

VERBATIM <sup>1</sup>RECORD OF TRIAL <sup>2</sup>

(and accompanying papers)

of

MANNING, Bradley E.

(Name: Last, First, Middle Initial)

[REDACTED]

(Social Security Number)

PFC/E-3

(Rank)

Headquarters and

Headquarters Company,

United States Army Garrison

(Unit/Command Name)

U.S. Army

(Branch of Service)

Fort Myer, VA 22211

(Station or Ship)

By

GENERALCOURT-MARTIAL

Convened by

Commander

(Title of Convening Authority)

UNITED STATES ARMY MILITARY DISTRICT OF WASHINGTON

(Unit/Command of Convening Authority)

Tried at

Fort Meade, MD

(Place or Places of Trial)

on

see below

(Date or Dates of Trial)

## Date or Dates of Trial:

23 February 2012, 15-16 March 2012, 24-26 April 2012, 6-8 June 2012, 25 June 2012, 16-19 July 2012, 28-30 August 2012, 2 October 2012, 12 October 2012, 17-18 October 2012, 7-8 November 2012, 27 November - 2 December 2012, 5-7 December 2012, 10-11 December 2012, 8-9 January 2013, 16 January 2013, 26 February - 1 March 2013, 8 March 2013, 10 April 2013, 7-8 May 2013, 21 May 2013, 3-5 June 2013, 10-12 June 2013, 17-18 June 2013, 25-28 June 2013, 1-2 July 2013, 8-10 July 2013, 15 July 2013, 18-19 July 2013, 25-26 July 2013, 28 July - 2 August 2013, 5-9 August 2013, 12-14 August 2013, 16 August 2013, and 19-21 August 2013.

<sup>1</sup> Insert "verbatim" or "summarized" as appropriate. (This form will be used by the Army and Navy for verbatim records of trial only.)

<sup>2</sup> See inside back cover for instructions as to preparation and arrangement.

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Thursday, May 31, 2012 9:11 AM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)  
**Subject:** RE: Supplement to Compel Discovery 2

Ashden,

If it takes you that long, then that is fine with the Defense.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Robillard, Socorro A., CIV, NAVWARCOL NWC [socorro.robillard@usnwc.edu]  
**Sent:** Thursday, May 31, 2012 9:39 AM  
**To:** David Coombs  
**Cc:** Waybright, Daniel SGT MIL USA MDW  
**Subject:** 1 CD

Dave,

I received one (1) CD yesterday and it's already controlled for issue.

V/r Corrie

--

Ms. Socorro Robillard

(Information Security Specialist)

Classified Material Control Officer

NATO Sub-registry Control Officer

SIPR address: [cmco@nwc.navy.smil.mil](mailto:cmco@nwc.navy.smil.mil) <blockedmailto:cmco@nwc.navy.smil.mil>

Naval War College

DSN: 841 3381

Comm: (401) 841-3381

E-mail: [socorro.robillard@usnwc.edu](mailto:socorro.robillard@usnwc.edu) <blockedmailto:socorro.robillard@usnwc.edu>

"THE HUMAN THREAT TO NATIONAL SECURITY:

Did Not Know the Rules - Did Not Understand the Rules - Did Not Follow the Rules"

FOR OFFICIAL USE ONLY - PRIVACY SENSITIVE This electronic transmission

>may contain confidential information intended only for the person(s)

>named above. Any misuse or unauthorized disclosure may result in both

>civil and criminal penalties. If you receive this transmission in

>error, please notify the sender at the telephone number or e-mail address above.

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Thursday, May 31, 2012 11:53 AM  
**To:** Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ USARMY (US);  
Tooman, Joshua J CPT USARMY (US)  
**Cc:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Disclosure of Damage Assessment (UNCLASSIFIED)  
**Attachments:** Damage Assessment - DOE.pdf

Jeff,

I am looking forward to the one page classified damage assessment from the Department of Energy.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*



---

**From:** Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, May 31, 2012 12:28 PM  
**To:** David Coombs; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'  
**Cc:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Disclosure of Damage Assessment (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

Thank you. I am still waiting for the acknowledgements from MAJ Hurley and CPT Tooman. Once I receive their signed acknowledgements, we will disclose the document immediately.

Have a good day.

v/r  
Hunter

---

**From:** Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, May 31, 2012 12:54 PM  
**To:** Hurley, Thomas F MAJ USARMY (US)  
**Cc:** 'coombs@armycourtmartialdefense.com'; Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Scanned document (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

Thank you. I am still awaiting CPT Tooman's acknowledgement.

v/r  
Hunter

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Friday, June 01, 2012 7:36 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Security Expert  
**Attachments:** Security Expert Memo.docx; 110114-SPCMCA Approval Defense Expert in IA Smith.pdf; 101012-Appointment of 2d Defense Security Expert Hall.pdf; 101028-Defense Request for IA Expert.pdf; 100928-Defense Request for 2d Security Expert.pdf; 100917-Appointment of Defense Security Expert.pdf

David,

Based on your request, we reached out to the different chains of command of the experts to receive input, including Ms. Smith's. We have realized that each of the defense's referenced experts were appointed approximately 1.5 years ago, and as you know were appointed as expert consultants in their respective fields. See Requests and Appointment documents. Based on the draft memorandum you provided, it appears that their jobs have morphed since their original appointment as consultants.

We recommend that you turn your draft memorandum into a request to the GCMCA for reappointment. This request should reflect the scope of the responsibilities you anticipate these experts will provide, the reasons why these experts are necessary, an estimate of how much time their obligation to the defense team will take, and request their position as a defense expert consultant take priority over all other work. We will take this request to their chains of commands, obtain approval / disapproval / support, and then route it to the GCMCA for action.

Once we receive the requests, we will start routing them immediately. This should be sufficient to ensure that the defense is receiving the proper support and the right person is providing that support based on the scope. Additionally, we can ensure that they will not have any difficulty with their respective chains of command by having the commands sign-off on the reappointment.

Please let me know if you have any questions/concerns.

V/r  
Ashden

---

**From:** Tooman, Joshua J CPT USARMY (US) [joshua.j.tooman.mil@mail.mil]  
**Sent:** Friday, June 01, 2012 8:03 PM  
**To:** Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; David Coombs; Hurley, Thomas F MAJ USARMY (US)  
**Cc:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Disclosure of Damage Assessment (UNCLASSIFIED)  
**Attachments:** Document.pdf

Classification: UNCLASSIFIED

Caveats: NONE

Hunter

Please see attached. See you next week.

v/r

Josh

---

**From:** David Coombs [coombs@armycourt martialdefense.com]  
**Sent:** Saturday, June 02, 2012 8:47 AM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Security Expert

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ashden,

I am not for sure what you mean by their jobs have "morphed." All of the listed duties are implicit as their role as experts for the Defense. Additionally, the added roles of reviewing motions and other materials for classified information; accompanying defense counsel on witness interviews where classified information may be discussed; accompanying defense counsel whenever required to do so in order to view classified information provided to the defense in discovery; being present in the courtroom during any session are requirements based upon the Government's request.

I am also not for sure what you are asking the Defense to do in this new memorandum that you suggest we write. All I need from the Convening Authority is something that will ensure Mr. Hall and Mr. Ganiel's chain of command understand that their duties as experts for the defense must take priority over other duties.

Although I did not ask for the Government to reach out to the chains of command for Mr. Hall, Mr. Ganiel, and Ms. Smith what did you learn from doing so? This issue might be resolved if you were able to successfully convey to the chains of command the importance of the Defense experts' duties.

Please let me know if you have any questions or concerns.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourt martialdefense.com  
www.armycourt martialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the

person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Saturday, June 02, 2012 12:01 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US)'  
**Subject:** RE: Government's Aggravation

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ashden,

When is the Government intending to submit your aggravation/sentencing information to the Court and Defense? The Court needs this information in order to evaluate the substitutions issue. Based upon your previous email, you indicated you were trying to accomplish this by COB Friday.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Saturday, June 02, 2012 12:08 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'  
**Subject:** State Department Witness

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ashden,

Who does the Government intend to bring from the State Department? I am assuming that this person will be knowledgeable on the topic we are addressing.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*



---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Saturday, June 02, 2012 5:02 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)  
**Subject:** Motions

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ashden,

The Defense intends to publish each of the motions filed today.

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com) <<mailto:coombs@armycourtartialdefense.com>>  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Monday, June 04, 2012 9:43 AM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'  
**Subject:** Motions

Could someone from the prosecution please confirm that you received my email on Saturday with the following motions:

- 1) Defense Reply to Prosecution Response to Supplement to Defense Motion to Compel Discovery #2/Defense Motion for Modified Relief;
- 2) Defense Response to Prosecution Notice to Court of ONCIX Damage Assessment; and
- 3) Defense Motion to Record and Transcribe all R.C.M. 802 Conferences.

Thank you.

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com) <<mailto:coombs@armycourtartialdefense.com>>

[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Tooman, Joshua J CPT USARMY (US) [joshua.j.tooman.mil@mail.mil]  
**Sent:** Monday, June 04, 2012 10:01 AM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** Automatic reply: Defense Motions

I will be out of the office until Tuesday, June 12th. If you need immediate assistance please call 913-684-1866. Thank you.

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Monday, June 04, 2012 11:08 PM  
**To:** 'David Coombs'  
**Cc:** Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** Updates

David,

1. Based on receiving CPT Tooman's acknowledgment on 1 June 2012 and the prosecution receiving all defense counsel acknowledgments, we produced in classified discovery the Department of Energy damage assessment (BATES: 00449241-00449242). Today, we sent a copy to NWC to be ready for your review when you return (Tracking: 7936 3594 2020). Additionally, we can deliver a second copy to the Fort Meade TDS office tomorrow, or wait to deliver the second copy to Fort Myer after this week's motions hearing. Please let us know which the defense would prefer.
2. Based on your previous question for us to give you an update on CW2 Santiago's replacement, it is our understanding that this is being coordinated through TDS channels. MDW was informed that the Chief, TDS coordinated directly or indirectly with you for personnel issues concerning the defense. After confirming with the Chief Warrant Officer of the Corps, it is our understanding that all future personnel requests for any personnel, will be handled through TDS channels.
3. CW2 Ford and Mr. Boardman will meet the defense outside the Courthouse at 0930 hours tomorrow morning with the Department of State damage assessment, as per our scheduled time. Please let us know the next time any defense team member would like to review the material again.
4. As for your defense experts the command is fully committed to providing the defense adequate support based on the defense's needs; however as in every jurisdiction, the defense is required to request expert support from the government. The original appointment was for experts to fulfill the duties the defense requested and that is was the basis for the current experts appointments more than one year ago. There is no question that, except for testifying as expert witnesses, the duties listed in the your proposed memorandum are reflected in the Court's orders and other requirements for properly handling classified information; however the government cannot estimate the amount of time required to accomplish these tasks. As previously stated, if the defense wants the Convening Authority to require your experts to prioritize consulting on the defense team over all other duties, then the Convening Authority needs a request which asks the Convening Authority to do so and provide reasons and a basis for your request. A persuasive reason would likely be the extent of their duties and the time commitment involved. The original Requests, which authorized their detail to the defense as mere consultants, did not contemplate how time-consuming your experts' work is, and no one knows how time-consuming your experts' work is but you and your experts. Submitting this request is also a good way to ensure that you have the appropriate experts on your team, i.e., those who can give you the requisite time whenever you need them. Finally, this request can be used by the Convening Authority to ensure the leadership of your experts, which work outside the command of the Convening Authority, also adopt the expert appointment over all other duties precedence. In order to best effect what the defense is seeking, we recommend submitting this request, which we will immediately forward to the defense experts chains of command, and then to our Convening Authority for action.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourt martialdefense.com]  
**Sent:** Tuesday, June 05, 2012 8:03 AM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Eiten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Updates

Ashden,

1. Please deliver the second copy to Fort Myer after this week. In general, does this CD just contain the one classified damage assessment, or does it contain other damage assessments? If so, please provide the BATES number range of what is on the CD and its general content.
2. I will reach out to TDS to confirm that they are tracking on this issue. It may still be that the Government needs to obtain a warrant and assign him or her to TDS as they did with Chief Santiago.
3. Looking forward to some light reading.
4. I disagree. The duties listed in the proposed memorandum are reflected in the Court's orders and the Convening Authority's original appointment of these individuals as members of the defense team. Please have the proposed memorandum signed by the Convening Authority. If you will not do this, please inform me of this fact, and your basis so that it can be raised in a motion for appropriate relief.

If we do need to litigate the issue, then in the interim, as the Court directed, please appoint an additional security expert to the Defense team. We will need someone that can be on call whenever we need to interview a witness or inspect classified information (when having such a person present is a requirement by the Government).

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourt martialdefense.com  
www.armycourt martialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, June 05, 2012 11:42 PM  
**To:** 'David Coombs'  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Eiten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** Classified Hard Drives

David,

Earlier today we received notice that the Army G2 approved the release of the forensic harddrive images in classified discovery. In anticipation of this approval, we brought a harddrive to sign over to the defense in order to provide a copy of all the images. Would you like us to provide the copy this week while at Fort Meade, or wait until next week and provide the copy to CW2 Santiago? Additionally, we received the approval to turn over another harddrive containing a forensic image of classified information related to the enemy's possession of WL material.

Thank you.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Monday, June 11, 2012 4:41 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Ganiel, Charles J CIV (US)'; CASSIUS.HALL@MI.ARMY.MIL  
**Subject:** Unclassified Versions of Damage Assessments

Ashden,

In order to facilitate its handling and use during any judicial proceeding, the Defense requests that the Government provide an unclassified (sanitized) version of the following damage assessments:

- 1) Department of State damage assessment;
- 2) DIA/IRTF damage assessment;
- 3) ONCIX damage assessment;
- 4) Department of Homeland Security damage assessment;
- 5) FBI Impact Statement; and
- 6) Any classified assessment by one of the 63 agencies; and
- 7) CIA damage assessment.

If the Government is aware of other damage assessments that have not been revealed to the Defense due to coordinating with the relevant OCA, the Defense requests that the Government prepare an unclassified version of these damage assessments as well.

Please let me know if you have any questions or concerns.

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317



Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com) <<mailto:coombs@armycourtartialdefense.com>>

[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Tuesday, June 12, 2012 12:05 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)  
**Subject:** Confirmation

Ashden,

I just wanted to ensure that you received my email regard the case calendar, and the requests for unclassified "sanitized" versions of the damage assessments. If so, do you have any issues with either?

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com) <<mailto:coombs@armycourtartialdefense.com>>  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Tuesday, June 12, 2012 12:22 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)  
**Subject:** Redactions

Ashden,

On 2 June 2012, the Defense sent the Government the following:

- 1) Reply to Supplement to Compel Discovery redact;
- 2) Defense Response to Prosecution Notice redact;
- 3) Defense Motion to Record 802 sessions.

Does the Government intend to file an additional protective order for any of these documents? If not, the Defense would like to immediately publish these documents. Let me know if you have any questions or concerns. Thank you.

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)

[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, June 12, 2012 1:29 PM  
**To:** David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)  
**Subject:** RE: Confirmation

David,

We did receive both. We are getting through our emails and will respond to the damage assessment email in the next day.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Tuesday, June 12, 2012 1:57 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)  
**Subject:** RE: Confirmation

Thank you.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, June 12, 2012 5:29 PM  
**To:** David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Santiago, Melissa S CW2 USARMY (US)'  
**Subject:** RE: Redactions

David,

Because these pleadings were filed outside of the Court's Order, dated 24 April 2012, which was based on the Court only contemplating filings occurring at the 2w-2w-5d intervals according to the scheduling order, we consider these pleadings outside the Court's order and will provide a response NLT COB 16 June 2012, the same as for motions. In an effort to make this process more efficient and faster for the defense and government, we are working with agencies and other organizations to approve a new proposed solution. We hope to have this proposal by the end of the week and intend to motion the Court to amend her order to account for off-cycle filings and all other filings to make this more efficient and effect faster public filings by the defense.

On a more specific note, this particular batch contains much substantive information from documentary discovery and this information must be reviewed by more offices than just the normal reviewers to ensure the defense is not violating an established protective order. There is particular sensitivity based on the defense's recent use in open court of protected information that should have been filed under seal (grand jury information) and not held up in open court or made accessible to individuals not on the defense team and that have not signed the protective/disclosure orders.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Tuesday, June 12, 2012 5:42 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Santiago, Melissa S CW2 USARMY (US)'  
**Subject:** RE: Redactions

Ashden,

16 June is fine with the Defense. I don't understand your comments regarding the following:

- a) Motion to the Court to amend her order to account for off-cycle filings.  
What is the Government proposing?
- b) How would our public Court filings violate an established protective order? Isn't that what the proposed redactions are designed to resolve? If you believe something should be redacted you identify it for the Court with specificity and state the basis for your request.
- c) How is my holding up the Grand Jury exhibit in Court making information accessible to individuals not on the defense team and/or to those that have not signed the protective/disclosure orders?

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*



---

**From:** David Coombs [coombs@armycourtmarialdefense.com]  
**Sent:** Friday, June 15, 2012 5:44 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)  
**Subject:** Update

Ashden,

Please provide feedback on the following:

- 1) Article 39(a): Please have PFC Manning at the courthouse at 0900 on 25 June. I want to be able to go over some documentation with him.
- 2) Case Calendar: Are you planning on submitting a case calendar or commenting on the calendar the Defense submitted on Monday? If so, when?
- 3) Motions: When is the Government filing its Due Diligence response motion and its targeted brief on damage?
- 4) Sanitized Versions: Do you have an update on being able to provide unclassified versions of the various damage assessments?
- 5) Department of Homeland Security Damage Assessment: Have you sent this to the NWC?
- 6) Redactions: Are you still planning on submitting your response tomorrow - or did you mean today?
- 7) Replacement for Santiago: TDS does not have the ability to provide a replacement warrant officer for CW2 Santiago. Can the Government provide a suitable replacement?

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com) <<mailto:coombs@armycourtartialdefense.com>>

[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Friday, June 15, 2012 6:12 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** Update

David,

Below is an update on your questions and other issues.

1. Article 39(a). We will have PFC Manning at the courthouse at 0900 on 25 June.
2. Case Calendar. We intend to submit a case calendar update on Thursday with our other filings.
3. Motions. We intend to submit our two filings on Thursday, as per our discussion last week.
4. Sanitized Versions of Damage Assessments. We have provided the defense all the damage/impact assessments that exist within each agency or organization. The government did not produce unclassified versions of the damage assessments for the ones that are classified and which have been produced; therefore, there are no unclassified or sanitized versions to provide.
5. Department of Homeland Security Damage Assessment. As stated on Friday, we sent the request earlier this week and NWC received it on Wednesday. Additionally, CW2 Santiago signed for a copy on Wednesday. I apologize for not notifying you sooner of the tracking number or confirmed delivery.
6. Redactions. We will file with the Court tonight and we do not intend to request protective orders.
7. Replacement for Santiago. As previously stated, MDW was informed that the Chief, TDS coordinated directly or indirectly with you for personnel issues concerning the defense. After confirming with the Chief Warrant Officer of the Corps, it is our understanding that all future personnel requests for any personnel, will be handled through TDS channels. Please address any personnel issues through the military defense counsel and their RDC.
8. Defense Expert Request. We have not resolved the issue of the defense requesting that your experts have their time dedicated primarily to the defense. Does the defense intend to request this? Without a request which outlines the anticipated scope of their additional duties (which is already written in your proposed memo) and an estimate of the total time you anticipate you will need their services, we cannot go to their leadership and the convening authority for approval. The leaders must know how much time you anticipate will be needed and to what extent, so they can make informed decisions. Once we receive a request, we will immediately take the request to your experts' leadership and the convening authority for action.

Have a good weekend.

v/r  
Ashden

---

**From:** Tooman, Joshua J CPT USARMY (US) [joshua.j.tooman.mil@mail.mil]  
**Sent:** Friday, June 15, 2012 6:12 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** Automatic reply: Update

I am in the process of a PCS to Fort Belvoir, VA and will have limited access to email. If you need immediate assistance, please contact the Fort Leavenworth TDS paralegals at 913-684-1860 or 1866. Thank you.

---

**From:** David Coombs [coombs@armycourt martialdefense.com]  
**Sent:** Friday, June 15, 2012 6:31 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Update

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ashden,

- 1) Thank you.
- 2) Why do you feel that Thursday is the agreed upon date for the case calendar?
- 3) Same as #2 - I don't recall any discussion that Thursday was the timeline for this issue. Not only would this give no time for the Defense to reply, it also does not provide the Court with time to consider the motions prior to the Article 39(a).
- 4) The Defense is requesting that the various agencies produce an unclassified version of their damage assessments. According to the defense security experts, this is not an unusual request.
- 5) Not a problem. Thank you.
- 6) Thank you.
- 7) As stated, TDS cannot provide a replacement warrant officer. I am requesting that the Government provide a replacement for CW2 Santiago. Please inform me if the Government's position is that it will not do so.
- 8) The Defense does not believe that any additional request detailing scope of work or timing commitments is necessary. If you disagree, as per our discussion with COL Lind, please provide an additional security expert to be available when our defense experts are not.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourt martialdefense.com](mailto:coombs@armycourt martialdefense.com)  
[www.armycourt martialdefense.com](http://www.armycourt martialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Santiago, Melissa S CW2 USARMY (US) [melissa.s.santiago.mil@mail.mil]  
**Sent:** Friday, June 15, 2012 7:16 PM  
**To:** David Coombs; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Update

All,

I will be TDY from 17-22 June. I will out process Fort Myer on the 25th and will no longer be available to receive any discovery. I was at the Pentagon yesterday to be read off. I will be turning in my courier card to security on Fort McNair as soon as I return from TDY. I am in the process of working with the potential incoming SFC that will be assisting defense.

V/r,

Chief Santiago



---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Monday, June 18, 2012 9:30 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Eiten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Update

David,

1. Case Calendar. OBE w/ the Court.

2. Motions. OBE w/ the Court.

3. Unclassified Assessments. If the defense is requesting information in discovery, then please provide a discovery request with the proper authority. We have provided (or are working to provide) the defense all the damage/impact assessments that exist within each agency or organization. The government did not produce unclassified versions of the damage assessments for the ones that are classified and which have been produced; therefore, there are no unclassified or sanitized versions to provide.

4. CW2 Santiago's Replacement. Although we are standing by to assist, MDW will not provide assistance, unless we receive different guidance from the Chief, TDS, because TDS is the lead for all defense personnel issues. As previously stated, please address any personnel issues through the military defense counsel and their RDC.

5. Defense Security Experts. As the prosecution, we are not situated to estimate how the defense intends to employ their experts (scope) and how much time that employment might take (cost of employment); therefore since 30 May 12, we have asked the defense to submit a request. On 30 May 12, the defense did not submit a request, but rather a proposed memorandum for the SPCMCA to order your experts duties take precedence over their normal duties. We are standing by to assist the defense with any challenges you may have with security experts; however the convening authority will not act on expert issues without a defense request, especially considering the defense is requesting government employees perform their duties as a top priority and/or another expert be detailed to the defense. IAW with RCM 703(d), for either of your requests, please "submit a request to the convening authority to authorize the employment and to fix the compensation for the expert." Please include "a complete statement of reasons why employment of the expert is necessary and the estimated cost of employment." Once we receive an adequate request, we will act immediately on the request, by coordinating through your experts' leadership to provide their input and the defense's request to the appropriate convening authority for action.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourt martialdefense.com]  
**Sent:** Monday, June 18, 2012 9:42 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Update

Ashden,

1 and 2: We will wait for guidance from COL Lind;

3. This is not a discovery request, we are simply asking for an unclassified version of the various damage assessments. Again, this is not an unusual request. Please submit our request to the various organizations so that they can produce an unclassified version of the damage assessments;

4. Is this the position of the SJA?

5. Please appoint an additional security expert to be on standby for when the Defense needs to review damage assessments.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourt martialdefense.com  
www.armycourt martialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Williams, Patricia CIV JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, June 19, 2012 7:58 AM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** 'coombs@armycourt martialdefense.com'; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA;  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA  
**Subject:** RE: recordings (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Sir -

I provided a copy of the audio files and exhibit list to Mr. Coombs at the close of the last session.

V/R,  
Trisha

Thank you and have a wonderful day!

V/R,  
Mrs. Patricia Ann Williams-Butler  
Court Reporter and Assisting Paralegal  
Military District of Washington  
Office of the Staff Judge Advocate  
103 Third Avenue, SW  
Building 32, Room 312  
Fort McNair, DC 20319-5058  
Tele: 202-685-4902, DSN 325-4902  
Fax: 202-685-5454  
Email: patricia.williams@jfhqncr.northcom.mil or  
patricia.williams2@us.army.mil

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, June 19, 2012 8:36 AM  
**To:** Williams, Patricia CIV JFHQ-NCR/MDW SJA  
**Cc:** 'coombs@armycourt martialdefense.com'; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA;  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA  
**Subject:** RE: recordings (UNCLASSIFIED)

Trish,

Thank you. Could we please pickup a copy of the recordings as well?

v/r  
MAJ Fein

---

**From:** Williams, Patricia CIV JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, June 19, 2012 9:42 AM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** 'coombs@armycourtartialdefense.com'; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA;  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA  
**Subject:** RE: recordings (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Good Morning, Sir -

I will provide the government with a copy of the audio files from the last session today. I have a hearing this morning, so I will have them ready for you after lunch.

V/R,  
Trisha

Thank you and have a wonderful day!

V/R,  
Mrs. Patricia Ann Williams-Butler  
Court Reporter and Assisting Paralegal  
Military District of Washington  
Office of the Staff Judge Advocate  
103 Third Avenue, SW  
Building 32, Room 312  
Fort McNair, DC 20319-5058  
Tele: 202-685-4902, DSN 325-4902  
Fax: 202-685-5454  
Email: patricia.williams@jfhqncr.northcom.mil or  
patricia.williams2@us.army.mil

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, June 19, 2012 9:44 AM  
**To:** Williams, Patricia CIV JFHQ-NCR/MDW SJA  
**Cc:** 'coombs@armycourt martialdefense.com'; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA;  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA  
**Subject:** RE: recordings (UNCLASSIFIED)

Trisha,

Thank you. Can we also get copies of the previous hearings?

v/r  
MAJ Fein

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, June 19, 2012 8:39 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Update

David,

1. For the unclassified damage assessment, we will forward your request to each agency.
2. CW2 Santiago's replacement. The OSJA, MDW is standing by to assist; however based on the Chief, TDS's guidance, TDS is the lead for all personnel issues. Please continue to address any personnel issues through the military defense counsel and their RDC. Based on information we have, it is our understanding that a SFC is in-bound to assist the defense.
3. Security Expert. Once we receive an adequate request, we will act immediately on the request to either obtain an additional expert or coordinate through your current experts' leadership to provide their input to the appropriate convening authority for action. Please see below for a further explanation.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourt martialdefense.com]  
**Sent:** Wednesday, June 20, 2012 7:17 AM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Update

Ashden,

1. Thank you.
2. Is this the position of the SJA?
3. See below.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourt martialdefense.com  
www.armycourt martialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*



---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Thursday, June 21, 2012 5:13 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'  
**Subject:** 18 June Motion

Ashden,

Does the Government intend to file a request for a protective order for the Defense's Addendum #2 to Defense Motion to Compel Discovery #2 filed on 18 June?

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com) <<mailto:coombs@armycourtartialdefense.com>>  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, June 21, 2012 5:57 PM  
**To:** David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Eiten, Alexander S. CPT USA JFHQ-NCR MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: 18 June Motion

David,

We do not have an answer from the relevant government agencies/departments. Once we do within the timeframe of the Court's order, we will send you an answer.

v/r  
Ashden

---

**From:** coombs@armycourtartialdefense.com  
**Sent:** Thursday, June 21, 2012 6:00 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** Re: 18 June Motion

Isn't today the time frame (three days after filing)?

Best,  
David

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, June 21, 2012 6:48 PM  
**To:** coombs@armycourtmartrialdefense.com  
**Cc:** Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: 18 June Motion

David,

Three days are for replies to responses. I requested all organizations to reply back by COB tomorrow, so I should have an answer by then.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Saturday, June 23, 2012 1:07 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'  
**Subject:** FBI Acknowledgement  
**Attachments:** FBI Acknowledgment.pdf

Ashden,

Please find the attached acknowledgement.

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com) <<mailto:coombs@armycourtartialdefense.com>>  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Sunday, June 24, 2012 9:31 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)  
**Subject:** Article 13 Witnesses

Ashden,

The Defense will file its witness list for the Article 13 motion tomorrow. However, the witnesses that we currently intend to call are the following:

- 1) CAPT William Hocter
- 2) COL Rick Malone
- 3) CAPT Kevin Moore
- 4) Col. Robert Oltman
- 5) LCDR David Moulton;
- 6) LTC Dawn Hilton; and
- 7) PFC Bradley Manning.

Please let me know if you have any questions.

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com) <<mailto:coombs@armycourtartialdefense.com>>

[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Sunday, June 24, 2012 9:49 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA (Arthur.Ford@jfhqncr.northcom.mil)  
**Subject:** RE: Article 13 Witnesses

David,

Thank you.

v/r  
Ashden



---

**From:** David Coombs [coombs@armycourtmartrialdefense.com]  
**Sent:** Tuesday, June 26, 2012 11:14 AM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'  
**Subject:** Discovery Clarification

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ashden,

After reviewing the audio from yesterday, there are a couple of issues regarding the Court's order pertaining to files subject to RCM 701(a)(2) that I'm still troubled over. Rather than filing another motion, I wanted to touch base with you to confirm that the Government is on the same page as the Defense.

1. You say during the oral argument that you think the order just applies to files in the prosecutor's possession, custody and control. The ruling however, applies to files/documents, in the military's possession, custody and control. Can you please confirm that you understand that the ruling applies to files in the military's custody, possession, and control? (e.g. DISA, DIA, etc.).
2. You also say during the oral argument that you are reviewing files that involve investigation, damage and mitigation for information that it material to the preparation of the defense and you will hand that over. I don't think you've understood the Court's ruling. The Court ruled that you must hand over anything pertaining to investigation, damage or mitigation -- period (that is in the military's custody, possession and control). Beyond that, you must also hand over anything that is material (as in helpful) to the preparation of the defense. See 25 June 2012 Ruling ("the Government in reviewing files subject to RCM 701(a)(2) will provide the Defense any information beyond the investigation, damage and mitigation measures that are obviously relevant and helpful to the defense"). Can you please confirm that you understand that the ruling applies to files beyond the investigation, damage or mitigation files that you already have to turn over?
3. Can you also confirm that you understand that the ruling applies to any document in military possession, custody and control that you've previously reviewed or will review in the future (whether for Brady or any other purpose)?

I would appreciate direct answers to the above three questions later today.

Thanks,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourtmartialdefense.com](mailto:coombs@armycourtmartialdefense.com) <<mailto:coombs@armycourtmartialdefense.com>>

[www.armycourtmartialdefense.com](http://www.armycourtmartialdefense.com) <<http://www.armycourtmartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Tuesday, June 26, 2012 2:00 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)  
**Subject:** Discovery Request  
**Attachments:** Discovery Request - 26 Jun 12.pdf

Ashden,

Please find the attached discovery request.

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com) <<mailto:coombs@armycourtartialdefense.com>>  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Tuesday, June 26, 2012 7:00 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)  
**Subject:** RE: Discovery Clarification

Ashden,

I haven't heard back from you yet on my questions from this morning. Can you please respond to the questions? Thank you.

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)

[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, June 26, 2012 7:07 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA (Arthur.Ford@jfhqncr.northcom.mil)  
**Subject:** RE: Discovery Clarification

David,

Unfortunately, most of us have been out of the office today working on matters.

1. The prosecution agrees. The Order applies to any files/documents we have reviewed or will review within military authorities, and specifically those we have received from the organizations/commands within the Order.
2. The prosecution agrees. For files under the possession, custody, or control of military authorities, the prosecution will seek out, identify, and disclose such files regarding the accused that involve investigation, damage assessment, or mitigation measures. Additionally, for files pertaining to the accused within the possession, custody, or control of military authorities that the Government is aware of and has searched for Brady material, the trial counsel will turn over to the defense any information that is obviously material to the preparation of the defense.
3. The prosecution agrees.

Finally, we acknowledge receipt of your discovery request submitted today and will respond accordingly.

Thank you.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Wednesday, June 27, 2012 4:01 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Discovery Clarification

Ashden,

1. Just to be 100% clear, we are referring to DIA, DISA, CENTCOM, SOUTHCOM, CYBERCOM, HQDA and any other documents that are within the possession, custody and control of military authorities.
2. "For files under the possession, custody, or control of military authorities, the prosecution will seek out, identify, and disclose such files regarding the accused that involve investigation, damage assessment, or mitigation measures. Additionally, for files pertaining to the accused within the possession, custody, or control of military authorities that the Government is aware of and has searched for Brady material, the trial counsel will turn over to the defense any information that is obviously material to the preparation of the defense." I'm still not sure if we are saying the same thing. Again, just to be clear, three things:
  - a) You say that the prosecution will "seek out, identify and disclose such files regarding the accused that involve investigation, damage assessment or mitigation measures" -- again, this applies to things you have already reviewed, not just those things you will "seek out".
  - b) the additional documents (aside from investigations, damage assessments and mitigation measures) do not need to be "files pertaining to the accused" (though oftentimes they will be). They simply have to be files that are material, as in helpful, to the preparation of the defense;
  - c) the order is not limited to files that the Government has searched for Brady. It applies to all files that the Government has already looked at or will look at, in any capacity.
3. There seems to be some inconsistency based on what you said in (2).

If you could get back to me to ensure that we are 100% on the same page, that would be great.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourtartialdefense.com  
www.armycourtartialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Wednesday, June 27, 2012 5:27 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV (US); Lillian Smith  
**Subject:** Documents sent via SIPR and WTF Substitution

Ashden,

Two issues:

1) Documents sent via SIPR: After reviewing the documents sent by the Government via SIPRNET, Mr. Hall has concluded that they are not classified properly IAW EO 13526. There are two main problems with the documents. First, all derivate documents must be identified by name and position, or by personal identifier; and second, the list of sources must be within or attached to each derivate document to ensure source(s) are classified properly, and that we can validate the classification. Mr. Hall requests that you refer to EO 13526 and Federal Register 32 CFR Parts 2001 and 2003. Once the documents are properly marked, please resend them to the Defense.

2) WTF Substitution: When will you be providing this to the Defense?

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com) <<mailto:coombs@armycourtartialdefense.com>>

[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>



\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Wednesday, June 27, 2012 5:47 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Eiten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Discovery Clarification

David,

The following is in response to your email below:

1. The prosecution agrees.

2(a). The prosecution agrees.

2(b). The Court's rulings are clear to us. Per the Court's ruling, "for files pertaining to the accused within the possession, custody, or control of military authorities that the Government is aware of and has searched for Brady material, the trial counsel will turn over to the defense any information that is obviously material to the preparation of the defense." Additionally, per the Court's Clarification of its Ruling, the prosecution "in reviewing files subject to RCM 701(a)(2) will provide the defense any information beyond the investigation, damage, and mitigation measures that are obviously relevant and helpful to the defense."

2(c). The prosecution agrees.

3. The Order applies to files the prosecution has previously reviewed and files the prosecution will review.

v/r  
Ashden

---

**From:** Hurley, Thomas F MAJ USARMY (US) [thomas.f.hurley4.mil@mail.mil]  
**Sent:** Wednesday, June 27, 2012 5:50 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** Automatic reply: Discovery Clarification

I have PCS'd from DCAP. If your correspondence was for me as a DCAP representative, please contact CPT(P) Aaron Ralph at [aaron.s.ralph@us.army.mil](mailto:aaron.s.ralph@us.army.mil) or (703)693-0343.

If your correspondence was for me personally, please contact me at [thomashurley1@me.com](mailto:thomashurley1@me.com) or (703)209-8061.

You can delete [thomas.f.hurley4.mil@mail.mil](mailto:thomas.f.hurley4.mil@mail.mil) as an email address for me. I anticipate that, in my next job, I will have a substantially different email address.

Thanks.

Tom Hurley

MAJ, JA

---

**From:** Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA  
**Sent:** Monday, July 02, 2012 10:23 AM  
**To:** Tooman, Joshua J CPT USARMY (US)  
**Cc:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: FW: Contract No. W91QF7-12-P-0031 (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Sir,

Sorry for the delayed response but I was out of the net for a few days. I took a look at the invoice submitted and there are still some things that are not completed which are required.

1. The invoice has no date
2. There is not an invoice number
3. and the "Bill to" should match the submission he inputs into WAWF and not left blank

To avoid any confusion please reference the steps described in my prior e-mail. If the contractor and TDS follow the outlined steps we should not have any issues with paying these invoices promptly.

As far as the overage is concern, I have no involvement in that issue. I have provided the contractor and TDS with the POC for this action and it must be handled between the contractor, TDS, and the contracting office. As previously discussed, in person and over e-mails, I cannot validate any requirements, hours worked, and provide any supervision to the contractor. Therefore, I cannot assist or provide any justification as to why the contractor was allowed to perform unauthorized work (per contract terms) and why the overage should be paid. Please contact the contracting office directly to resolve this issue.

Please let me know if you have any other issues. Thank you!

v/r,

JP

Jairo A. Parra  
CW2, JA  
Legal Administrator  
JFHQ-NCR, MDW  
jairo.parra@jfhqncr.northcom.mil  
jairo.parra@us.army.mil  
jairo.parra@jfhqncr.northcom.smil.mil  
(202) 685-1975 - Direct  
(571) 249-9697 - Blackberry  
(931) 572-7632 - Cell

\*\*\*CAUTION: The information contained in this email and any accompanying

attachments may contain Freedom of Information Act protected information, including attorney-client or attorney work product privileged information. This information may not be released outside of the Department of Defense without prior authorization from the Office of The Judge Advocate General, Department of the Army. If you are not the intended recipient of this information, any disclosure, copying, distribution, or the taking of any action in reliance on this information is prohibited. If you received this email in error, please notify this office immediately by return email (see 5 U.S.C. § 552 and Army Regulations 25-55 and 27-2).\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Monday, July 02, 2012 8:15 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA (Arthur.Ford@jfhqncr.northcom.mil)  
**Subject:** Update

David,

1. Wk1le@ks Task Force Report. The authorized substitution of the Wk1le@ks Task Force Report is available for defense inspection, so long as a defense expert is present. With reasonable notice, the prosecution will make the report available at a pre-coordinated SCIF at Fort Belvoir, VA for any defense counsel to view. Please notify the prosecution when defense counsel would like to view the document and we will immediately coordinate. Additionally, the defense security expert should bring his courier card and the appropriate security bag, if anyone intends to take notes. The majority of the notes will have to be secured in a SCIF with your security expert.
2. Defense Discovery Request. We anticipate having a response back to the defense tomorrow.
3. Unclassified Versions of Damage Assessments. We are still working on coordinating with OCAs to determine whether they will produce unclassified versions of the damage assessments.
4. Government Filings via SIPR. We are still processing the defense's request.
5. Safes Move. When does MAJ Hurley and CPT Tooman expect to be settled in their offices, so that we may move the safes? Also, we will need each of their security managers names and contact information in order to coordinate proper storage and use of the facilities for classified information.
6. Courier Cards. If MAJ Hurley or CPT Tooman require courier cards, then please have a military defense counsel submit a request to the convening authority, similar to the previous defense request.
7. Meeting with Accused. When would the defense like your client brought to Fort Meade for the next session?
8. Defense Attachment. Fort Belvoir was essentially shut down today based on the weather. We will contact COL Lind tonight to see if she will be in her office tomorrow, so that we may deliver BATES# 00124331. In the future, please have a military defense counsel (in person, once they receive their safes) or a defense security expert (via SIPR or in person) submit classified documents to the Court, as per the protective order, especially since one of each are now co-located at Fort Belvoir with COL Lind.

Thank you.

v/r  
Ashden

---

**From:** Williams, Patricia CIV JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, July 03, 2012 11:58 AM  
**To:** 'coombs@armycourtmarialdefense.com'; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT USARMY (US); Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** FW: Due Diligence Ruling Attachment (UNCLASSIFIED)  
**Attachments:** Manning Due Diligence Statement.doc.docx

Classification: UNCLASSIFIED  
Caveats: NONE

Good Afternoon -

Attached is the Word version of the matrix for the due diligence as referred to in Judge Lind's ruling.

Thank you and have a wonderful day!

V/R,  
Mrs. Patricia Ann Williams-Butler  
Court Reporter and Assisting Paralegal  
Military District of Washington  
Office of the Staff Judge Advocate  
210 A Street, Suite 300, Building 32  
Fort McNair, DC 20319-5010  
Tele: 202-685-4902, DSN 325-4902  
Fax: 202-685-5454  
Email: [patricia.williams@jfhqncr.northcom.mil](mailto:patricia.williams@jfhqncr.northcom.mil) or  
[patricia.williams2@us.army.mil](mailto:patricia.williams2@us.army.mil)

Classification: UNCLASSIFIED  
Caveats: NONE

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, July 03, 2012 11:59 AM  
**To:** Williams, Patricia CIV JFHQ-NCR/MDW SJA; 'coombs@armycourt martialdefense.com'; Hurley, Thomas F MAJ USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT USARMY (US); Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Due Diligence Ruling Attachment (UNCLASSIFIED)

Thank you.



---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, July 03, 2012 5:03 PM  
**To:** 'coombs@armycourtmarialdefense.com'  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** Discovery  
**Attachments:** 120703-Government Response to Defense Discovery Request.pdf

David,

Attached is the government's discovery response. Additionally, we sent (Tracking: 7985 8012 3930) to your office unclassified discovery (BATES# 00449403 - 00449464), which includes the DoD request referenced in the discovery response, various attestations and logs which were previously provided to the defense and Court, and various law enforcement documents.

Additionally, on Thursday, we are sending (Tracking: 7985 8069 5017) classified documents to the NMC for delivery on Friday. This production includes approved disclosure of a classified forensic report and damage assessment, and various documents from your clients SIPRNET computer. Additionally, this production will include the classified supplement to the witness list and the motion to pre-admit the logs.

Additionally, we attempted to deliver all CDs (unclassified and classified) to Fort Myer today, however MAJ Kemkes is gone and no one was there to sign for the documents. Which TDS office would the defense like a copy of discovery to be delivered?

Thank you!

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtmarialdefense.com]  
**Sent:** Friday, July 06, 2012 5:15 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CV2 USA JFHQ-NCR/MDW SJA; Hall, Cassius N CIV (US); 'Ganiel, Charles J CIV (US)'; Prather, Jay R CIV (US)  
**Subject:** Update

Ashden,

- 1) Bates# 00449403-64. I received the Fed-Ex.
- 2) Classified Documents: I have not received notice yet from NWC of receipt, but will let you know when I do. With regards to the other CD, please hold onto this information until MAJ Hurley can coordinate with you to have the Myer safe moved to his office. If we are not able to resolve the issue before the 16th, please deliver a copy to us on that date for storage at Fort Meade.
- 3) Safe Move: MAJ Hurley will provide you with the name of his security manager and contact information in order to coordinate proper storage and use of the facilities for classified information. I am hoping that this is something that can be accomplished ASAP so that the safe can be moved to his office. Once the safe is moved to MAJ Hurley's office, all future discovery should be submitted to MAJ Hurley and myself.
- 4) WL Task Force Report: The Defense would like to review this document during our Article 39(a) on 16-20 July. The Defense security experts will be present. Our security expert will bring his courier card and the appropriate security bag for any notes that are taken. Our intent is to store notes either at Fort Meade or at MAJ Hurley's office once he has a safe. I did not understand your statement "the majority of the notes will have to be secured in a SCIF with your security expert." Is due to the classification of the document or is there another reason for this?
- 5) DIA - DOS Damage Assessment: The Defense would like to review the Court's copy of this documentation during our Article 39(a) on 16-20 July. The Defense security experts will be present and we agree to have Mr. Prather present anytime we are reviewing the DIA damage assessment.
- 6) Unclassified Versions of Damage Assessments: I understand that you are still working on coordinating with OCAs to determine whether they will produce unclassified versions of the damage assessments. Please keep me posted.
- 7) Government Filings via SIPR: I understand that you are still processing the issue raised by the Defense's security experts.
- 8) Courier Cards: MAJ Hurley is receiving a courier card as part of his inprocessing. CPT Tooman is in the process of obtaining a courier card. If either needs assistance, I will request that they contact you.
- 9) Meeting with PFC BM: We do not need to see PFC BM in advance of our Article 39(a). However, if the 39(a) session ends on Tuesday or Wednesday, we will still want to meet with him on each day of that week through Friday.

For any day that we do not have a court session, we would like to have PFC BM brought to the Fort Meade TDS office at 0900.

10) Defense Classified Attachment: I apologize for the confusion on the Defense classified attachment, and appreciate your assistance in providing the document to COL Lind. I went to the NWC yesterday to review some documentation, and realized that the classified document was essentially the same as the unclassified document. If only I had approval to have a SCIF in my office, we could have avoided the pain of delivering the document. Once MAJ Hurley and CPT Tooman have courier cards, I agree that we should not need the Government's assistance in submitting classified documents to the Court. However, I would like to make sure that when the safe is moved to MAJ Hurley's office, that we also give him the classified printer in order to print any needed document.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Monday, July 09, 2012 2:13 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Hall, Cassius N CIV (US); Ganiel, Charles J CIV (US)  
**Subject:** Discovery Request/Classified filing  
**Attachments:** Discovery Request - 9 Jul 12.pdf

Ashden,

Please find the attached discovery request.

Classified filing: In the future, please immediately send any classified filing to me at the NWC in addition to sending it by SIPR to our security experts and to MAJ Hurley. Also, when is the Government planning on addressing the issues identified by the Defense Security Experts? You last informed me on 2 July that you were still working this issue.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [Thomas.Hurley@osd.mil]  
**Sent:** Monday, July 09, 2012 4:48 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** 'coombs@armycourtmarialdefense.com'  
**Subject:** Email & Office Address

MAJ Fein

Please delete the old email that you have for me and substitute this one in its place (thomas.hurley@osd.army.mil). I would have emailed the whole famn damily, but I didn't know everyone's email.

My office address is 1555 Wilson Boulevard, Suite 620, Arlington, VA 22209. I am ready to receive the classified safe from you any day this week.

I will meet with my security manager tomorrow morning to discuss a courier card. Will my card from this office work or do you want me to get one from your office?

Thanks.

Thomas F. Hurley  
MAJ, JA, USA  
Office of the Military Commissions - Defense  
thomas.hurley@osd.mil  
thomas.hurley@osd.smil.mil  
(703)696-9490, extension 117 (office)  
(703)696-9575 (fax)

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Monday, July 09, 2012 5:08 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** 'coombs@armycourt martialdefense.com'; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Eiten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Email & Office Address

MAJ Hurley,

Thank you. I added everyone else to the email so you have their addresses. Please send the security manager information and we will coordinate the courier card and safe. Based on your status with OMC-D and this case, we will immediately workout any issues that might exist to figure out the most efficient way forward.

Thank you.

v/r  
MAJ Fein

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Monday, July 09, 2012 6:29 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Hall, Cassius N CIV (US); 'Ganiel, Charles J CIV (US)'  
**Subject:** RE: Discovery Request/Classified filing

David,

We acknowledge receipt of this discovery request. As for the filings, we will continue to send copies to the NWC. The reason one was not sent immediately is because the filing was due Friday and NWC will not accept classified material on Saturdays. Additionally, we should have an answer about the classified filing and its markings by Wednesday.

v/r  
Ashden

---

**From:** Hurley, Thomas F MAJ USARMY (US) [thomas.f.hurley4.mil@mail.mil]  
**Sent:** Monday, July 09, 2012 6:29 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** Automatic reply: Discovery Request/Classified filing

I have PCS'd from DCAP. If your correspondence was for me as a DCAP representative, please contact CPT(P) Aaron Ralph at [aaron.s.ralph@us.army.mil](mailto:aaron.s.ralph@us.army.mil) or (703)693-0343.

If your correspondence was for me personally, please contact me at [thomas.hurley@osd.mil](mailto:thomas.hurley@osd.mil), [thomashurley1@me.com](mailto:thomashurley1@me.com) <<mailto:thomashurley1@me.com>> , or (703)209-8061.

You can delete [thomas.f.hurley4.mil@mail.mil](mailto:thomas.f.hurley4.mil@mail.mil) as an email address for me. I anticipate that, in my next job, I will have a substantially different email address.

Thanks.

Tom Hurley

MAJ, JA



---

**From:** David Coombs [coombs@armycourt martialdefense.com]  
**Sent:** Monday, July 09, 2012 8:41 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Hall, Cassius N CIV (US)'; 'Ganiel, Charles J CIV (US)'  
**Subject:** RE: Discovery Request/Classified filing

Ashden,

I don't understand what you mean by not sending the classified documents sooner. These documents were part of the Government's 22 June filing. In this case, the documents could have been sent on either Thursday the 21st of June to ensure they arrived on the filing date or on the following Monday (25 June). The reason these documents were not discussed in our 902(11) reply was because I did not have access to them.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourt martialdefense.com](mailto:coombs@armycourt martialdefense.com)  
[www.armycourt martialdefense.com](http://www.armycourt martialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Monday, July 09, 2012 7:15 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Hall, Cassius N CIV (US)'; 'Ganiel, Charles J CIV (US)'  
**Subject:** RE: Discovery Request/Classified filing

David,

On 22 June, the United States filed its classified filings as per the protective order- sent via SIPRNET email to the court security Officer and to the defense security experts (all three security experts including Ms. Robillard at the NWC). All defense counsel had the motion available the night it was filed, along with the Court. We also had a copy ready for the Court and defense on Monday (25 June) at the motions hearing, but the new military defense counsel do not have storage capability. Additionally, we attempted to deliver a copy to the Fort Myer TDS office on Tuesday, 3 July and no one was at the office to sign for the information. We FEDEXed another version to the NWC with the enclosures, which were too large to send via email and it was delivered 6 July. This would have been sent sooner, but Ms. Robillard was not available to accept delivery. Finally, the defense has been in possession of the four logs and the associated forensic reports since before the New Year, therefore the enclosures were just repeat versions of the same information for the Court.

The defense has had access to the underlying information since the New Year, and the motion since 22 June via SIPRNET email.

v/r  
Ashden

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Monday, July 09, 2012 7:20 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Hall, Cassius N CIV (US); 'Ganiel, Charles J CIV (US)'; Prather, Jay R CIV (US)  
**Subject:** RE: Update  
**Attachments:** 110920-Defense Request for Courier Cards.pdf

David,

1. Safe Moves. Once we coordinate with each security manager and ensure each military defense counsel is authorized to store classified material up to the "secret" level, then we will present the approval document to the convening authority for immediate action. Concurrently, we will start planning the safe moves.
2. Future Discovery. We will deliver all future discovery and other documentation to MAJ Hurley's office as the military defense counsel. We will need contact information and a designated individual to leave the information with, if MAJ Hurley is out of the office.
3. WL Task Force Report. We will try to obtain authorization for the defense to use a SCIF at Fort Meade for the week of 16-20 July; however we might not receive authorization. As previously stated, the government pre-coordinated for a SCIF at Fort Belvoir for the defense to view the document, and can make it available during the week of 16-20 July or any other time with reasonable notice. As for the notes, they will likely need to be stored with the defense security experts based on their classification, which can be explained in-person or with your security experts via SIPRNET email.
4. DIA and DOS Damage Assessments. We will have both copies available for the defense at Fort Meade for the week of 16-20 July. The copies we have are the defense copies and not the Court's copies. For the DOS assessment, the defense does not need Mr. Prather present; however to review the DIA assessment outside of DIA, then Mr. Prather must be present.
5. Courier Cards. If MAJ Hurley or CPT Tooman require courier cards, then please have a military defense counsel submit a request to the convening authority (GCMCA), similar to the previous defense request. MAJ Hurley's courier card at OMC should only be applicable to OMC information between their facilities and not for this case, and neither are authorized to courier classified material in this case without the convening authority's approval. Attached is a copy of MAJ Kemkes's prior request which should be sufficient to replicate and submit. We are standing by to swiftly execute.
6. Meetings with Clients. We will coordinate to have your client at the Fort Meade TDS office each morning at 0900, for the days we are not in session.
7. Classified IT Equipment. Assuming MAJ Hurley is approved to store this classified information in his office with a safe, then we will work to obtain approval to have him also keep the computers, printer, cube, etc. in his safe. Once that approval is obtained, then we will move the equipment to the new office from Fort Meade.

v/r  
Ashden

---

**From:** Williams, Patricia CIV JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, July 10, 2012 11:02 AM  
**To:** 'David Coombs'; Hurley, Thomas F MAJ OSD OMC Defense; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA  
**Subject:** Filings with the Court (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Good Afternoon All -

I am experiencing email problems. Please resend me ONLY emails dated between 26 June 2012 and 5 July 2012 that contain any pleadings filed with the Court, if there we any. Also, any emails from Judge Lind that may have contained any Court orders or Court rulings, if any.

Many thanks!

V/R,  
Trisha

Classification: UNCLASSIFIED  
Caveats: NONE

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, July 10, 2012 11:04 AM  
**To:** Williams, Patricia CIV JFHQ-NCR/MDW SJA; 'David Coombs'; Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR MDW SJA  
**Cc:** Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Filings with the Court (UNCLASSIFIED)

Trisha,

I can make this easier for you. I will burn a copy of my PST that just holds all Court correspondences, which include all filings. You will have it in a little bit.

MAJ Fein

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Tuesday, July 10, 2012 11:13 AM  
**To:** Williams, Patricia CIV JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ OSD OMC Defense; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Ellen, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Filings with the Court (UNCLASSIFIED)  
**Attachments:** 27 June 2012 Case Calendar.pdf; 27 June 2012 Case Calendar.docx; Article 13 Witnesses.pdf; Article 13 Witnesses.docx

Trish,

The only filings that the Defense had between 26 June and 5 July were the Defense Proposed Case Calendar and the Defense Article 13 Witness list. I have attached Word and PDF versions for you. Please let me know that you successfully received this email and whether you need anything else.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [thomas.hurley@osd.mil]  
**Sent:** Tuesday, July 10, 2012 3:59 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** coombs@armycourtartialdefense.com; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Email & Office Address  
**Attachments:** Courier Card Request - US v. Manning.pdf

MAJ Fein

Attached please find a courier card request memo similar to the one used by MAJ Kemkes.

Please let me know if anything is needed.

v/r

MAJ Hurley

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Wednesday, July 11, 2012 2:49 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; 'Tooman, Joshua J CPT USARMY (US)';  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten,  
Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW  
SJA; 'Hall, Cassius N CIV (US)'; 'Ganiel, Charles J CIV (US)'  
**Subject:** RE: Discovery Request/Classified filing  
**Importance:** High

David, et al,

To finalize whether the United States will move for a protective order for the MRE 505(h) notice today, could you please answer the below question.

In reference to the defense MRE 505(h) notice, the United States is trying to figure out whether there is any public references that you could be relying on to provide the specific information about the classified video. The video is classified and the file was encrypted with a password, therefore we are unaware of any public knowledge of this video. Referencing the information contained in the video without approval could be a spillage. Please provide us a reference on how else the public would know that information or any information contained within the video, without a party to this court-martial confirming/denying the information.

Thank you.

v/r  
Ashden



---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Wednesday, July 11, 2012 2:57 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; 'Tooman, Joshua J CPT USARMY (US)';  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Ellen,  
Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW  
SJA; 'Hall, Cassius N CIV (US)'; 'Ganiel, Charles J CIV (US)'  
**Subject:** RE: Discovery Request/Classified filing

Ashden,

We are not relying upon any classified information. I do not understand your concerns.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourtartialdefense.com  
www.armycourtartialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Wednesday, July 11, 2012 3:12 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Hall, Cassius N CIV (US)'; 'Ganiel, Charles J CIV (US)'  
**Subject:** RE: Discovery Request/Classified filing

David,

That is actually what I am asking about. What are you relying on that is unclassified? Could you please provide us the source of the unclassified information so that we can run this to ground. As of now, we do not have any other source of information that describes the contents of the classified video, but for the classified video itself. If there is something else, please send it so we can have this properly figured out by the appropriate authority.

Thank you.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Wednesday, July 11, 2012 3:26 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Discovery Request/Classified filing

Ashden,

I think I understand where you are going. I suggest looking at public statements by General Petraeus and other Pentagon officials between May and June of 2009 discussing the videos and what they depict. You should be able to find these rather easily.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourtartialdefense.com  
www.armycourtartialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Wednesday, July 11, 2012 3:28 PM  
**To:** David Coombs  
**Subject:** RE: Discovery Request/Classified filing

David,

Thank you. The general statements are not what we are concerned with, it's the particular statements about the specific charged video. We will start looking right now.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Wednesday, July 11, 2012 3:34 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Hall, Cassius N CIV (US); 'Ganiel, Charles J CIV (US)'  
**Subject:** RE: Discovery Request/Classified filing

Ashden,

Again, I don't know what you are talking about or how you can in good faith claim a possible spillage. Please provide me with the paragraph and sentence number where you believe there may be "spillage."

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourtartialdefense.com  
www.armycourtartialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Wednesday, July 11, 2012 3:43 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; 'Tooman, Joshua J CPT USARMY (US)';  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten,  
Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW  
SJA; 'Hall, Cassius N CIV (US)'; 'Ganiel, Charles J CIV (US)'  
**Subject:** RE: Discovery Request/Classified filing

Ashden,

You should look at page 15 of Vice Admiral Harward's classification review, and what is classified about the video.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Wednesday, July 11, 2012 3:47 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Hall, Cassius N CIV (US); 'Ganiel, Charles J CIV (US)'  
**Subject:** RE: Discovery Request/Classified filing

David,

Page 15 of the classification review notifies all of us that the video is classified "secret." We are not claiming a spillage- we are just trying to figure out if the information is in the public to assess whether this is a spillage, so we can provide that information to the appropriate authority. I am referencing the information in the motion that talks about the specifics of the encrypted video that was not publically released (to the best of our knowledge). The motion seems to contain details from the video that only a person who has watched the video would know, but that is what we are trying to figure out. Please provide us any reference on how else an un-cleared individual would know that information or any other information contained within the video, so that we can properly assess.

We are currently looking online for public references to the charged video by General Petraeus and other Pentagon officials between May and June of 2009.

For any more detail, I would prefer to continue this conversation with your security experts via SIPRNET, so we do not create our own possible spillage.

Thank you.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Wednesday, July 11, 2012 3:52 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; 'Tooman, Joshua J CPT USARMY (US)';  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten,  
Alexander S. CPT USA JFHQ-NCR/MDW SJA; 'Hall, Cassius N CIV (US)'; 'Ganiel, Charles J  
CIV (US)'  
**Subject:** RE: Discovery Request/Classified filing

Ashden,

Again, I do not understand your issue. Page 15 indicates why it is classified "Operational code word(s) when identified with mission operations." You should save your time and effort and just go directly to the OCA to determine if he has any heartburn over the information with the 505(h)(3) notice. If so, please request that the OCA reduce this to a written determination with full accounting as to why this constitutes spillage.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourtartialdefense.com  
www.armycourtartialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*



---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Wednesday, July 11, 2012 3:59 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US)  
**Cc:** coombs@armycourt martialdefense.com; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Email & Office Address

MAJ Hurley and CPT Tooman,

1. Courier Card. Could you please re-send the request, addressed to GCMCA who owns the case. I apologize for not highlighting this with MAJ Kemkes's example, but the SPCMCA owned the case at that time. We have an appointment later this week and I hope to get this in to the CoJ. Below is the proper routing for future actions.

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate,  
U.S. Army Military District of Washington, Fort Lesley J. McNair,  
Washington, DC 20319

FOR Commander, U.S. Army Military District of Washington, Fort Lesley J.  
McNair, Washington, DD 20319

2. Security POCs. Please send us your security POCs so we can coordinate storage and courier cards. We would like to get the storage issue settled in the next day so we can also take that to the GCMCA this week, but we need your security officer/manager's information.

Thank you!

v/r  
MAJ Fein

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Wednesday, July 11, 2012 4:01 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; 'Tooman, Joshua J CPT USARMY (US)';  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Eiten,  
Alexander S. CPT USA JFHQ-NCR/MDW SJA; 'Hall, Cassius N CIV (US)'; 'Ganiel, Charles J  
CIV (US)'  
**Subject:** RE: Discovery Request/Classified filing

David,

Thank you. We will continue coordinating with the proper authority.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtmarialdefense.com]  
**Sent:** Wednesday, July 11, 2012 4:02 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; 'Tooman, Joshua J CPT USARMY (US)';  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten,  
Alexander S. CPT USA JFHQ-NCR/MDW SJA; 'Hall, Cassius N CIV (US)'; 'Ganiel, Charles J  
CIV (US)'  
**Subject:** RE: Discovery Request/Classified filing

Ashden,

Thank you.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourtmarialdefense.com  
www.armycourtmarialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Wednesday, July 11, 2012 4:06 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; 'Tooman, Joshua J CPT USARMY (US)';  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten,  
Alexander S. CPT USA JFHQ-NCR/MDW SJA; 'Hall, Cassius N CIV (US)'; 'Ganiel, Charles J  
CIV (US)'  
**Subject:** RE: Discovery Request/Classified filing

Ashden,

By the way, I think this potential issue underscores the danger of amending the Court's Protective Order.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourtartialdefense.com  
www.armycourtartialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Tooman, Joshua J CPT USARMY (US) [joshua.j.tooman.mil@mail.mil]  
**Sent:** Wednesday, July 11, 2012 4:52 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Email & Office Address (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir

I believe my security POC is WO1 Jovanny Suarez,  
Jovanny.suarez.mil@mail.mil, 703-805-2347

v/r  
Josh

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [thomas.hurley@osd.mil]  
**Sent:** Wednesday, July 11, 2012 4:56 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT USARMY (US);  
Jemison, Clemencia Ms OSD OMC Defense  
**Cc:** coombs@armycourtmarshialdefense.com; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW  
SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA  
JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford,  
Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** New Courier Memo & Security POC  
**Attachments:** Courier Card Request - US v. Manning.pdf

MAJ Fein

Attached please find a copy of the request for courier cards. This message includes Ms. Clemencia Jemison, the POC for safes in our office.

Her phone number is (703)588-0455. Her physical address is 1515 Wilson Boulevard, Suite 400, Arlington, VA 22209. Her mailing address is Office of the Chief Defense Counsel, 1600 Defense Pentagon, Washington, DC 20301-1600.

My physical address is 1555 Wilson Boulevard, Suite 620, Arlington, VA 22209. My specific office is 618.

v/r

MAJ Hurley

Thomas F. Hurley  
MAJ, JA, USA  
Office of the Military Commissions - Defense  
[thomas.hurley@osd.mil](mailto:thomas.hurley@osd.mil)  
[thomas.hurley@osd.smil.mil](mailto:thomas.hurley@osd.smil.mil)  
(703)696-9490, extension 117 (office)  
(703)696-9575 (fax)

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Wednesday, July 11, 2012 5:27 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US);  
Jemison, Clemencia Ms OSD OMC Defense  
**Cc:** coombs@armycourtmarshaldefense.com; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW  
SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA  
JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford,  
Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: New Courier Memo & Security POC

Thank you!

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Wednesday, July 11, 2012 9:36 PM  
**To:** 'David Coombs'  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** Update

David,

1. On the first day of each session, the command will have a barber at the courthouse for your client. Please ensure that PFC BM or the defense provide the command with \$9.40 so they can pay the barber.

2. SIPRNET documents. After consulting with our security experts, the United States updated the pleadings and resent them to the Court and defense experts via SIPRNET tonight. The documents are properly marked with the administrative security data, IAW EO, applicable regulations, and derivative classification training and manuals. No substantive information was changed in the filings, thus this is a "corrected copy" of the previous filing. Additionally, the information was already properly sourced by referencing the "See Enclosure #," so any individual who is an authorized recipient should know what information is classified or not for purposes of the motions practice.

Thank you.

v/r  
Ashden



---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Wednesday, July 11, 2012 9:43 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US);  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten,  
Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW  
SJA  
**Subject:** RE: Update

Ashden,

1. That is not a problem;
2. Thank you.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, July 12, 2012 8:48 AM  
**To:** 'David Coombs'  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** Discovery Production

David,

Yesterday, we sent (Tracking: 7937 7770 7055) unclassified documents to you (BATES #: 00449553 - 00449571), which include various confinement recordings and unclassified attachments to an updated classified forensic report. Additionally, we sent (Tracking: 7986 1093 6972) classified documents to NMC (BATES #: 00449572 - 00449581), which include the updated classified forensic report.

We will deliver the unclassified material to MAJ Hurley today. We are still working the safe and courier card authorizations.

v/r  
Ashden

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [thomas.hurley@osd.mil]  
**Sent:** Thursday, July 12, 2012 8:54 AM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; David Coombs  
**Cc:** Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Discovery Production

MAJ Fein

I have an empty GSA approved safe in my office now, so I can store whatever you give me. I know I can't take it anywhere until the GCMCA approves my courier card.

Thanks.

Tom Hurley

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [thomas.hurley@osd.mil]  
**Sent:** Thursday, July 12, 2012 8:57 AM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; David Coombs  
**Cc:** Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Eiten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Update

MAJ Fein

I have a functioning SIPR email address. [thomas.hurley@osd.smil.mil](mailto:thomas.hurley@osd.smil.mil)

Please include it, when appropriate, on future filings with the court or use it as necessary to conduct the business of the trial.

Thanks.

MAJ Hurley

---

**From:** Williams, Patricia CIV JFHQ-NCR/MDW SJA  
**Sent:** Thursday, July 12, 2012 9:06 AM  
**To:** 'David Coombs'; Hurley, Thomas F MAJ OSD OMC Defense; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; 'Tooman, Joshua J CPT USARMY (US)'; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA  
**Subject:** Court Filings (UNCLASSIFIED)  
**Attachments:** Current Appellate Exhibit List, 12 July 2012.pdf; Classified AEs 12 July 2012 (2).pdf

Classification: UNCLASSIFIED

Caveats: NONE

Ladies and gentlemen -

My leave starts tomorrow so I am in the process of getting things gathered for next week's hearing. This morning I am turning the appellate exhibits over to be transported for next week. Everything sent up to this point should be annotated. Please provide hard copies of any additional filings sent after this morning and not listed on the attached AE lists to the Court Reporter to mark prior to the start of next week's session. Thank you.

V/R,  
Trisha

Classification: UNCLASSIFIED

Caveats: NONE

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, July 12, 2012 9:28 AM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense; David Coombs  
**Cc:** Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Update

MAJ Hurley,

Thank you. Currently, no defense counsel is authorized to use SIPRNET for this case, including the filing process. We will work through our security experts and HQDA to determine whether you can be authorized to use SIPRNET. Also, based on your access in your current assignment, please remember that no member of the defense (counsel or expert) is authorized to view any classified information, unless an OCA has specifically authorized the individual document or information to be viewed, including information on SIPRNET.

v/r  
MAJ Fein

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [thomas.hurley@osd.mil]  
**Sent:** Thursday, July 12, 2012 9:39 AM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; David Coombs  
**Cc:** Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Update

MAJ Fein

1. Could you direct me to the order which indicates who can, and who cannot, use SIPRNET email for filing in this case? Also, please let me know if you need anything from me to change that. I have the capability, and it would be a shame to waste it.

2. Could you direct me to the order which indicates what members of the defense team can examine on the SIPRNET?

Thanks.

Tom Hurley

---

**From:** David Coombs [coombs@armycourt martialdefense.com]  
**Sent:** Thursday, July 12, 2012 10:13 AM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US);  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten,  
Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW  
SJA  
**Subject:** RE: Discovery Production

Ashden,

Thank you.

1) Is 00449465 - 00449552 being sent too, or is this something you will give at some point in the future?

2) Has the Government been able to secure a SCIF for the Defense to review the WTF report?

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourt martialdefense.com](mailto:coombs@armycourt martialdefense.com)  
[www.armycourt martialdefense.com](http://www.armycourt martialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*



---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, July 12, 2012 10:32 AM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Update  
**Importance:** High

MAJ Hurley,

1. The Court's Protective Order, dated 16 Mar 12 states that all filings will be through defense security experts. This was written based on defense counsel not having the authority or access to SIPRNET. Understanding that you do have access to SIPRNET email, we are reviewing the authorization process for use of SIPRNET email. We do not need a request or anything from you for this capability.

2. There is no order in place which indicated what members of the defense can examine, because members of the defense are only authorized to view or access classified information that has been approved by an OCA, therefore turned over in discovery. Any classified information that has not been positively turned over in discovery cannot be viewed or accessed by any member of the defense. Up to this point, the only exception was granted by the Deputy Army G2 for the limited purpose of the defense security experts conducting the preliminary classification review. Please refrain from viewing any classified information on SIPRNET and/or JWICS before we get this issue resolved, and we are actively working the issue today.

v/r  
MAJ Fein

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [thomas.hurley@osd.mil]  
**Sent:** Thursday, July 12, 2012 10:45 AM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Update

MAJ Fein

1. I trust everything went well in your phone conversation with Mr. Broyles.
2. I acknowledge the current restrictions on defense counsel filing through SIPRNET.
3. I will access SIPRNET or JWICS to examine anything related to this case NET 23 July 2012. I am sure that will be long enough to sort this out.

v/r  
Tom Hurley  
MAJ, JA

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, July 12, 2012 10:47 AM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Update

Thank you.

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, July 12, 2012 11:24 AM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Discovery Production

David,

1. BATES #: 00449465 - 00449552 was shipped to the NWC last week (Tracking: 7985 8069 5017). I accidentally left the BATES numbers off of my email I sent on 3 July.

2. SCIF. We are still working to obtain access to a SCIF at Fort Meade. As of now, we do not have one and we should know by the end of the day. We still have one ready at Fort Belvoir ready for the defense's use anytime. It is the FIU, where the defense security experts met with PFC BM for the preliminary classification review. If we can't get approval for a SCIF at Fort Meade and you would like go to the FIU while you are down here this trip, then please let us know which day(s) and we will coordinate.

3. Read-on. You and the defense experts are good to go with access to the SCIF. Apparently CPT Tooman was read-off when he left and we were not notified. He has to be read-on again and we are trying to coordinate the read-on for tomorrow. Additionally, MAJ Hurley was never read-on according to HQDA SSO, because they needed additional information from him and the read-on scheduled. I will send to MAJ Hurley in a separate email what HQDA SSO needs in order to read him on.

v/r  
Ashden

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, July 12, 2012 11:27 AM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** Figueroa, Hector J Jr CIV (US); Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** FW: SCI Screening Form (UNCLASSIFIED)

MAJ Hurley,

Mr. Figueroa (CCed), of HQDA SSO needs detailed explanations of your "Yes" answers from your SCI indoctrination form. Please send him the detailed answers so they can finish with your read-on paperwork. Thank you.

v/r  
MAJ fein

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [thomas.hurley@osd.mil]  
**Sent:** Thursday, July 12, 2012 11:45 AM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Figueroa, Hector J Jr CIV (US)  
**Cc:** Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** SCI Screening Form  
**Attachments:** SCI Screening Form MAJ Thomas F. Hurley.pdf

Mr. F-

Attached please find the form with full explanations on the third page.

Please let me know if anything more is needed.

Thomas F. Hurley  
MAJ, JA, USA  
Office of the Military Commissions - Defense  
[thomas.hurley@osd.mil](mailto:thomas.hurley@osd.mil)  
[thomas.hurley@osd.smil.mil](mailto:thomas.hurley@osd.smil.mil)  
(703)696-9490, extension 117 (office)  
(703)696-9575 (fax)

---

**From:** Figueroa, Hector J Jr CIV (US) [hector.j.figueroa2.civ@mail.mil]  
**Sent:** Thursday, July 12, 2012 12:03 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: SCI Screening Form

Your responses are fine. I can send a req to SSO MEADE for them to read you on at some point next week while you are there. Please provide me a good daytime # for you. When they receive my req, they will contact you. Note, they will read you on based on their schedules.

Thank you.

HF  
12 Jul

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, July 12, 2012 1:02 PM  
**To:** Figueroa, Hector J Jr CIV (US); Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: SCI Screening Form

MAJ Hurley-

Please provide Mr. Figueroa the best contact number for you next week so he can get this moving. Thanks!!!



---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, July 12, 2012 1:05 PM  
**To:** Tooman, Joshua J CPT USARMY (US)  
**Cc:** Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** FW: Request Access for CPT Tooman (UNCLASSIFIED)

**Importance:** High

Josh- can you get read-on tomorrow morning at Belvoir?

MAJ Fein

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [thomas.hurley@osd.mil]  
**Sent:** Thursday, July 12, 2012 1:12 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Figueroa, Hector J Jr CIV (US)  
**Cc:** Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: SCI Screening Form

MAJ Fein

I have completed that task.

v/r  
tfn

---

**From:** Figueroa, Hector J Jr CIV (US) [hector.j.figueroa2.civ@mail.mil]  
**Sent:** Thursday, July 12, 2012 1:13 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: SCI Screening Form

Yes, the req has been sent to SSO MEADE who will contact him next week.

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, July 12, 2012 1:17 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense  
**Subject:** RE: SCI Screening Form

Thank you.

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, July 12, 2012 1:17 PM  
**To:** Figueroa, Hector J Jr CIV (US); Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: SCI Screening Form

Mr. Parra,

Could you please contact SSO MEADE (902d) and see if you can expedite?  
Thanks.

MAJ Fein

-----Original Message-----

**From:** Figueroa, Hector J Jr CIV (US)  
**[mailto:hector.j.figueroa2.civ@mail.mil]**  
**Sent:** Thursday, July 12, 2012 1:13 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: SCI Screening Form

Yes, the req has been sent to SSO MEADE who will contact him next week.

-----Original Message-----

**From:** Hurley, Thomas F MAJ OSD OMC Defense **[mailto:Thomas.Hurley@osd.mil]**  
**Sent:** Thursday, July 12, 2012 1:12 PM  
**To:** Fein, Ashden MAJ USARMY (US); Figueroa, Hector J Jr CIV (US)  
**Cc:** Parra, Jairo A CW2 USARMY (US)  
**Subject:** RE: SCI Screening Form

MAJ Fein

I have completed that task.

v/r

tfh

-----Original Message-----

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**[mailto:Ashden.Fein@jfhqncr.northcom.mil]**  
**Sent:** Thursday, July 12, 2012 1:02 PM  
**To:** Figueroa, Hector J Jr CIV (US); Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: SCI Screening Form

MAJ Hurley-

Please provide Mr. Figueroa the best contact number for you next week so he can get this moving. Thanks!!!

-----Original Message-----

**From:** Figueroa, Hector J Jr CIV (US)

[mailto:hector.j.figueroa2.civ@mail.mil]

Sent: Thursday, July 12, 2012 12:03 PM

To: Hurley, Thomas F MAJ OSD OMC Defense; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA

Cc: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA

Subject: RE: SCI Screening Form

Your responses are fine. I can send a req to SSO MEADE for them to read you on at some point next week while you are there. Please provide me a good daytime # for you. When they receive my req, they will contact you. Note, they will read you on based on their schedules.

Thank you.

HF

12 Jul

-----Original Message-----

From: Hurley, Thomas F MAJ OSD OMC Defense [mailto:Thomas.Hurley@osd.mil]

Sent: Thursday, July 12, 2012 11:45 AM

To: Fein, Ashden MAJ USARMY (US); Figueroa, Hector J Jr CIV (US)

Cc: Parra, Jairo A CW2 USARMY (US)

Subject: SCI Screening Form

Mr. F-

Attached please find the form with full explanations on the third page.

Please let me know if anything more is needed.

Thomas F. Hurley

MAJ, JA, USA

Office of the Military Commissions - Defense

thomas.hurley@osd.mil

thomas.hurley@osd.smil.mil

(703)696-9490, extension 117 (office)

(703)696-9575 (fax)

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Thursday, July 12, 2012 1:27 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** Article 13 Witnesses

Ashden,

Does the Government intend on calling any witnesses for the Article 13 motion? If so, do you plan on filing your witness list prior to the upcoming motions hearing? I had anticipated that the Government would file its witness list at the same time it filed the objection to the Defense's requested witnesses. Since you did not, do you intend on not calling witnesses?

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Tooman, Joshua J CPT USARMY (US) [joshua.j.tooman.mil@mail.mil]  
**Sent:** Thursday, July 12, 2012 1:57 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA; David Coombs; Hurley, Thomas F MAJ  
OSD OMC Defense  
**Subject:** RE: Request Access for CPT Tooman (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: FOUO

Sir

I am tracking and will be there in the morning. Thanks.

v/r  
Josh



---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, July 12, 2012 6:13 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US);  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten,  
Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW  
SJA  
**Subject:** RE: Article 13 Witnesses

David,

The United States does not know which witnesses it will call until we receive the defense's motion, in order to know what issues the defense raises. Once we receive the motion, then we will be able to assess which witnesses.

v/r

Ashden

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, July 12, 2012 6:39 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US);  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten,  
Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW  
SJA (Arthur.Ford@jfhqncr.northcom.mil)  
**Subject:** Update

David,

This serves as an update for clearances and the SCIF. CPT Tooman is being read-on tomorrow and we are working with SSO Meade to have MAJ Hurley read-on next week. Additionally, it appears that we will be able to have a SCIF for the defense to use at Fort Meade; however we will need notice on which day you would like to use it so we can coordinate.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Thursday, July 12, 2012 7:26 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US);  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten,  
Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW  
SJA  
**Subject:** RE: Update

Ashden,

Thank you. Let's plan on Thursday at 1430 for the SCIF. Let me know if there is a problem with that date and time.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Thursday, July 12, 2012 7:34 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US);  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten,  
Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW  
SJA  
**Subject:** RE: Update

David,

Thank you. We will plan on Thursday afternoon, 1430 and later.

v/r  
Ashden

---

**From:** Tooman, Joshua J CPT USARMY (US) [joshua.j.tooman.mil@mail.mil]  
**Sent:** Friday, July 13, 2012 9:24 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** Automatic reply: Defense Filing

I will be out of the office 16 July - 20 July and will have limited access to email. I will return on 23 July. If you need immediate assistance, please contact Ms. Kenya Flakes, 703-805-4383. Thank you.

---

**From:** Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA  
**Sent:** Wednesday, July 18, 2012 9:14 AM  
**To:** 'David Coombs'  
**Cc:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** Questionnaire (UNCLASSIFIED)  
**Attachments:** 120717-Final Member questionnaire2.docx

Classification: UNCLASSIFIED  
Caveats: NONE

Mr. Coombs,

Attached is the draft final questionnaire. I left highlighted the 1 question and punishment sentence for you to fill in. I think everything else is included. Thank you.

VR

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Classification: UNCLASSIFIED  
Caveats: NONE

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Thursday, July 19, 2012 8:24 AM  
**To:** Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US)  
**Subject:** RE: Questionnaire (UNCLASSIFIED)  
**Attachments:** 120717-Final Member questionnaire2.docx

Angel,

I have attached the revised questionnaire. I made a couple minor changes to the agreed upon questions. All of my changes are highlighted in yellow.

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)

[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA  
**Sent:** Friday, July 20, 2012 4:20 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US)  
**Cc:** 'coombs@armycourt martialdefense.com'; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** FBI Acknowledgement (UNCLASSIFIED)  
**Attachments:** FBI Acknowledgment.pdf

Classification: UNCLASSIFIED

Caveats: NONE

MAJ Hurley and Josh,

I do not have your signed acknowledgements relating to the FBI impact statement. I only have the acknowledgement from Mr. Coombs (attached). Please provide me with your signed acknowledgements at your earliest convenience.

Thank you both. Have a good weekend.

v/r  
Hunter



---

**From:** Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA  
**Sent:** Friday, July 20, 2012 4:20 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US)  
**Cc:** 'coombs@armycourtmartialdefense.com'; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** FBI Acknowledgement (UNCLASSIFIED)  
**Attachments:** FBI Acknowledgment.pdf

Classification: UNCLASSIFIED

Caveats: NONE

MAJ Hurley and Josh,

I do not have your signed acknowledgements relating to the FBI impact statement. I only have the acknowledgement from Mr. Coombs (attached). Please provide me with your signed acknowledgements at your earliest convenience.

Thank you both. Have a good weekend.

v/r  
Hunter

---

**From:** Tooman, Joshua J CPT USARMY (US) [joshua.j.tooman.mil@mail.mil]  
**Sent:** Friday, July 20, 2012 4:28 PM  
**To:** Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ OSD OMC  
Defense  
**Cc:** coombs@armycourtmartrialdefense.com; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** RE: FBI Acknowledgement (UNCLASSIFIED)  
**Attachments:** Manning acknowledgement.pdf

Classification: UNCLASSIFIED

Caveats: NONE

Hunter

Thought I already sent this, my apologies. See attached.

v/r  
Josh

---

**From:** Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA  
**Sent:** Friday, July 20, 2012 4:29 PM  
**To:** Tooman, Joshua J CPT USARMY (US)  
**Subject:** RE: FBI Acknowledgement (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Thanks man.

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [thomas.hurley@osd.mil]  
**Sent:** Monday, July 23, 2012 1:04 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** David Coombs; 'Tooman, Joshua J CPT USARMY (US)'  
**Subject:** Classified Discovery

MAJ Fein

Mr. Coombs tells me that there is some classified discovery to deliver. You can deliver it to me, if you wish. My beautiful office, nestled inside an Open Secret facility, will hold it comfortably.

Thanks.

Thomas F. Hurley  
MAJ, JA, USA  
Office of the Military Commissions - Defense  
[thomas.hurley@osd.mil](mailto:thomas.hurley@osd.mil)  
[thomas.hurley@osd.smil.mil](mailto:thomas.hurley@osd.smil.mil)  
(703)696-9490, extension 117 (office)  
(703)209-8061 (cell)  
(703)696-9575 (fax)

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Monday, July 23, 2012 4:54 PM  
**To:** Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; 'Tooman, Joshua J CPT USARMY (US)'  
**Subject:** Case Calendar

Angel,

I would like to take the Government up on its initial 10 August date for the Speedy Trial witnesses. I know that we have agreed to have the filing date on 3 August, however, I will be out of town from the 28 July to 9 August for family reasons. Having until 10 August would be helpful. Please let me know if the Government has any problems with this recommended change.

Also, when are you recommending 1) the notice of plea and forum and 2) production of Defense discovery? How does the same date as the Defense witness list sound to you (15 October)? This way, you could inspect the discovery in person during our Article 39(a).

Let me know if you have any questions.

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)

[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Monday, July 23, 2012 5:28 PM  
**To:** 'David Coombs'  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; 'Tooman, Joshua J CPT USARMY (US)';  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten,  
Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW  
SJA  
**Subject:** Movement

David,

Good afternoon. Late this morning your client was moved to the JRCF. Please let us know when you would like to meet with him again before the next session. Thank you.

v/r  
Ashden

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Monday, July 23, 2012 5:35 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Classified Discovery

MAJ Hurley,

Thanks. I was out of the office today and just now checking my emails. We are preparing an action for the convening authority to approve your office and CPT Tooman's office for classified storage in this case. I expect this action to be signed this week. Once the action is approved (assuming it is), we will deliver the classified material to your office.

v/r  
Ashden



---

**From:** Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA  
**Sent:** Monday, July 23, 2012 5:48 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense  
**Subject:** FBI acknowledgement (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

MAJ Hurley,

Can you please send me your signed acknowledgement re: the FBI impact statement? Thanks,  
Sir!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED  
Caveats: NONE

---

**From:** Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA  
**Sent:** Monday, July 23, 2012 5:51 PM  
**To:** David Coombs; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US); Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Case Calendar (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

David,

We will switch the date for defense speedy trial witnesses back to 10 Aug 12 on the calendar. This only gives us 5 business days to make contact with all witnesses and prepare a response to the defense request. Will the defense agree that the prosecution can have additional time if we cannot get in contact with all the witnesses to prepare a response by 17 Aug 12?

The 15 Oct 12 date makes sense for the notice of plea and forum and the defense production of discovery. We were also going to recommend 15 Oct 12 for the notice of intent to offer the defense of lack of mental responsibility.

Thank you.

VR  
Angel

ANGEL M. OVERGAARD  
CPT, JA  
Trial Counsel, MDW

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Monday, July 23, 2012 5:56 PM  
**To:** Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US); Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Case Calendar (UNCLASSIFIED)

Angel,

Thank you. Yes, if the Government needs additional time past the 17th, that will not be a problem. Also, I agree with the notice of lack of mental responsibility being on the 15th.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Monday, July 23, 2012 6:10 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US);  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA  
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Eiten,  
Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW  
SJA  
**Subject:** RE: Movement

Ashden,

Thank you for the update. I would like to having PFC BM brought back on the 23rd. Also, could you arrange for him to be brought to TDS at Fort Meade at 1430 on Friday, 24 August? Thank you.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Monday, July 23, 2012 8:07 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** 'David Coombs'; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Classified Discovery

MAJ Hurley,

Do you have exclusive use of the safe in your office where no one else can access the information but for you and your security manager? If not, is it possible to setup the safe you have for exclusive use, and if not, then can we have an additional safe delivered to your office? Thanks.

v/r  
Ashden

---

**From:** Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, July 24, 2012 9:16 AM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** RE: FBI acknowledgement (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Thank you, Sir!

v/r  
Hunter

---

**From:** Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, July 24, 2012 9:16 AM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** RE: FBI acknowledgement (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Thank you, Sir!

v/r  
Hunter

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [thomas.hurley@osd.mil]  
**Sent:** Tuesday, July 24, 2012 3:57 PM  
**To:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Cc:** David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Classified Discovery

MAJ Fein

I have exclusive use of a safe in my office. It's a two-drawer that carries the following information on a stamp "GENERAL SERVICES ADMINISTRATION APPROVED SECURITY CONTAINER ALPHA SAFE & VAULT, inc."

In an ideal world, the safe at Fort Myer would be delivered to my office as well. Please let me know if there's anything I can do (or my new office can do) to make that particular piece of utopia a reality.

Thanks.

Tom Hurley



---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, July 24, 2012 4:05 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR VMDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Classified Discovery

MAJ Hurley,

Thank you. We are working on the action to go to the convening authority.

v/r  
Ashden

---

**From:** Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, July 24, 2012 4:05 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** 'David Coombs'; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Classified Discovery

MAJ Hurley,

Thank you. We are working on the action to go to the convening authority.

v/r  
Ashden

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [thomas.hurley@osd.mil]  
**Sent:** Tuesday, July 24, 2012 5:36 PM  
**To:** Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA  
**Subject:** FW:  
**Attachments:** [Untitled].pdf  
**Categories:** Red Category

CPT Whyte

Let the word go forth...from this time and place...that the FBI's secrets are safe with MAJ Tom Hurley!

v/r  
tfh

---

**From:** Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA  
**Sent:** Tuesday, July 24, 2012 5:40 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense  
**Subject:** RE: (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Thank you, Sir!

v/r  
Hunter

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Wednesday, July 25, 2012 9:49 PM  
**To:** Fein, Ashden MAJ USARMY (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); 'Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA'; Overgaard, Angel M CPT USARMY (US); Whyte, Jeffrey H CPT USARMY (US); 'von Elten, Alexander S. CPT USA JFHQ-NCR MDW SJA'; Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Update

Ashden,

Just a couple of quick questions:

- 1) Have you been able to locate the video requested in our 9 July 2012 Defense Discovery Request?
- 2) Does the Government have any objection to the filing of the Defense Motion to Compel Article 13 Witnesses?

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Tooman, Joshua J CPT USARMY (US)  
**Sent:** Thursday, July 26, 2012 8:43 AM  
**To:** Fein, Ashden MAJ USARMY (US)  
**Subject:** RE: Government Filings (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Received, sir.

---

**From:** Fein, Ashden MAJ USARMY (US)  
**Sent:** Thursday, July 26, 2012 7:50 PM  
**To:** David Coombs  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); 'Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA'; Overgaard, Angel M CPT USARMY (US); Whyte, Jeffrey H CPT USARMY (US); 'von Elten, Alexander S. CPT USA JFHQ-NCR MDW SJA'; Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Article 13 Emails

David,

In preparation for the upcoming Article 13 motion, the prosecution began reviewing emails yesterday from members of the Quantico brig staff and the chain of command. The prosecution found some emails that are obviously material to the preparation of the defense for Article 13 purposes. In an effort to get these emails to you as soon as possible, we intend to produce them tomorrow and send them to you via email so that you have a copy immediately. We will also produce them according to our normal process. We estimate there are approximately 60 emails.

V/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Thursday, July 26, 2012 8:11 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); 'Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA'; Overgaard, Angel M CPT USARMY (US); Whyte, Jeffrey H CPT USARMY (US); 'von Elten, Alexander S. CPT USA JFHQ-NCR MDW SJA'; Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Article 13 Emails

Ashden,

I don't understand why I am receiving this email the night before the filing of the Article 13 motion. What is the nature of these emails? When did the Government obtain these emails?

Please send all emails to me immediately.

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*



---

**From:** Fein, Ashden MAJ USARMY (US)  
**Sent:** Thursday, July 26, 2012 9:14 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US);  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M CPT USARMY  
(US); Whyte, Jeffrey H CPT USARMY (US); von Elten, Alexander S. CPT USA JFHQ-NCR  
WDW SJA; Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Discovery  
**Attachments:** 00449793 - 00449942.txt  
**Importance:** High

David,

In an effort to get these emails (BATES#: 00449793-00449942) to the defense as soon as possible, attached is the encrypted file containing the emails. Please change the extension to "e x e" (without spaces) and run the program with the standard password. In preparation for the upcoming motion, we reviewed these documents all day yesterday and found these to disclose.

Additionally, we produced through FEDEX (Tracking #: 7986 6742 8535) classified discovery of the following information: CYBERCOM impact statement (BATES#: 00449765-00449766) and the FBI Impact Statement (redacted) (BATES#: 00449767-00449792). The GCMCA approved classified storage at MAJ Hurley's office, so tomorrow we will deliver a copy of this information along with the previous classified production.

Finally, we will also send/deliver a copy of the attached production via normal means tomorrow.

v/r  
Ashden

---

**From:** Whyte, Jeffrey H CPT USARMY (US) on behalf of Whyte, J Hunter CPT USARMY (US)  
**Sent:** Friday, July 27, 2012 11:56 AM  
**To:** 'coombs@armycourtartialdefense.com'; 'thomas.hurley@osd.mil'; Tooman, Joshua J CPT USARMY (US)  
**Cc:** Fein, Ashden MAJ USARMY (US)  
**Subject:** Discovery Acknowledgement (UNCLASSIFIED)  
**Attachments:** 120727-NGA Discovery.pdf

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Please return the attached acknowledgement. Thank you!

v/r

Hunter

Classification: UNCLASSIFIED

Caveats: NONE

---

**From:** Whyte, J Hunter CPT USARMY (US)  
**Sent:** Friday, July 27, 2012 11:55 AM  
**To:** coombs@armycourt martialdefense.com; thomas.hurley@osd.mil; Tooman, Joshua J CPT USARMY (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US)  
**Subject:** Discovery Acknowledgement (UNCLASSIFIED)  
**Attachments:** 120727-NGA Discovery.pdf

Classification: UNCLASSIFIED  
Caveats: NONE

Gentlemen,

Please return the attached acknowledgement. Thank you!

v/r

Hunter

Classification: UNCLASSIFIED  
Caveats: NONE

---

**From:** Fein, Ashden MAJ USARMY (US) on behalf of Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Friday, July 27, 2012 12:25 PM  
**To:** David Coombs  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); 'Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA'; Overgaard, Angel M CPT USARMY (US); Whyte, Jeffrey H CPT USARMY (US); 'von Elten, Alexander S. CPT USA JFHQ-NCR MDW SJA'; Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Update

David,

As I am catching up on our emails from the migration, I realized that I did not respond to this email.

1. Quantico is still searching for the camera and the SD card that would have held the video. If they find it, we will get it to you ASAP.
2. We do not understand your question.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Friday, July 27, 2012 12:29 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); 'Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA'; Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); 'von Eiten, Alexander S. CPT USA JFHQ-NCR MDW SJA'; Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Update

Ashden,

1. Thank you.
2. This is referring to the posting of the motion on my blog. The Government did not indicate whether it intended to file any objection to the posting.
3. If I understand your email on the 84 emails, you just started looking at them on Wednesday. When did the Government first receive the emails from Quantico?

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USARMY (US) on behalf of Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Friday, July 27, 2012 12:35 PM  
**To:** David Coombs  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); 'Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA'; Overgaard, Angel M CPT USARMY (US); Whyte, Jeffrey H CPT USARMY (US); 'von Elten, Alexander S. CPT USA JFHQ-NCR MDW SJA'; Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Update

David,

2. No objection.

3. We received the emails with the original documents approximately six months ago and prioritized their review for Giglio/Jencks material based on potential witnesses, which is why we reviewed the material this week.

v/r  
Ashden

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [thomas.hurley@osd.mil]  
**Sent:** Friday, July 27, 2012 1:09 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** David Coombs; 'thomashurley1@me.com'  
**Subject:** Delay Delivery of Discovery

MAJ Fein

They are closing my office for the day for the Retirement Ceremony of the outgoing Chief Defense Counsel at the Commissions. I can't stay because I'm not on the Access Roster. If you want to deliver discovery, let's arrange a time on Monday. Should you need to contact me before Monday morning - please try my cell or my personal email.

Thomas F. Hurley  
MAJ, JA, USA  
Office of the Military Commissions - Defense  
thomas.hurley@osd.mil  
thomas.hurley@osd.smil.mil  
thomashurley1@me.com Personal Email  
(703)696-9490, extension 117 (office)  
(703)209-8061 (cell)  
(703)696-9575 (fax)

---

**From:** Overgaard, Angel M CPT USARMY (US)  
**Sent:** Friday, July 27, 2012 7:04 PM  
**To:** David Coombs  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA  
**Subject:** RE: Case Calendar (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

David,

I don't remember planning for that contingency during today's conversation.  
Is your recollection different?

We are tracking that Speedy Trial is now due on 21 Sep 12 (based on the MJ's decision to push everything two weeks to the right) and would be litigated at the 29 Oct 12-2 Nov 12 Art. 39(a).

VR  
Angel

ANGEL M. OVERGAARD  
CPT, JA  
Trial Counsel, MDW



---

**From:** coombs@armycourtartialdefense.com  
**Sent:** Friday, July 27, 2012 7:11 PM  
**To:** Overgaard, Angel M CPT USARMY (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY  
USAMDW (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA  
**Subject:** Re: Case Calendar (UNCLASSIFIED)

Angel,

I don't think we discussed it in relation to the likely 14th production date of discovery. Would the government oppose having the filing date on the 28th given when we will be arguing the motion?

Best,  
David

Sent from my Verizon Wireless BlackBerry

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Friday, July 27, 2012 8:46 PM  
**To:** Overgaard, Angel M CPT USARMY (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); 'Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA'; Fein, Ashden MAJ USARMY MDW (US); Whyte, J Hunter CPT USARMY (US); 'von Elten, Alexander S. CPT USA JFHQ-NCR IMDW SJA'; Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Quantico Emails

Angel,

With regards to the Quantico emails, MAJ Fein used the phrase "obviously material to the defense." I wanted to make sure that the Government did not have any emails in its possession that were "material to the preparation of the defense" as opposed to "obviously material to the preparation of the defense."

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USARMY (US) on behalf of Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Saturday, July 28, 2012 8:13 AM  
**To:** 'Hurley, Thomas F MAJ OSD OMC Defense'  
**Cc:** David Coombs; Ford, Arthur D Jr CW2 USARMY (US); Morrow, Jodean III CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, Jeffrey H CPT USARMY (US); Vonetten, Alexander S CPT USARMY (US)  
**Subject:** RE: Delay Delivery of Discovery

MAJ Hurley,

I assume this was resolved yesterday by you not receiving the material. CW2 Ford will have the paralegals coordinate with you for delivery. Thanks for the heads up. In the future, if it comes to delivery issues, please include CW2 Ford on emails.

Thanks!

v/r  
Ashden

---

**From:** Overgaard, Angel M CPT USARMY (US)  
**Sent:** Sunday, July 29, 2012 1:23 PM  
**To:** coombs@armycourtartialdefense.com  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US)  
**Subject:** RE: Case Calendar (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

David,

That would potentially only give us two weeks to respond. We originally requested and still believe we need three weeks to respond based on the length and content of the defense's anticipated motion.

Would you agree to a government response date of 19 Oct 12 (which would otherwise be your reply date)? This would give the defense the weekend to reply (by 22 Oct 12) to still give the Court the required 1 week of review time before the start of the hearing.

VR  
Angel

ANGEL M. OVERGAARD  
CPT, JA  
Trial Counsel, MDW

---

**From:** Overgaard, Angel M CPT USARMY (US)  
**Sent:** Sunday, July 29, 2012 2:21 PM  
**To:** David Coombs  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); 'Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA'; Fein, Ashden MAJ USARMY MDW (US); Whyte, J Hunter CPT USARMY (US); 'von Elten, Alexander S. CPT USA JFHQ-NCR WDW SJA'; Ford, Arthur D Jr CW2 USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US)  
**Subject:** RE: Quantico Emails (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

MAJ Fein used the phrase "obviously material to the defense" because that is what is required by the 22 June 2012 Court Order. That being said, the prosecution disclosed the emails that were "material to the preparation of the defense."

VR

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

---

**From:** coombs@armycourtartialdefense.com  
**Sent:** Monday, July 30, 2012 8:11 AM  
**To:** Overgaard, Angel M CPT USARMY (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US)  
**Subject:** RE: Case Calendar (UNCLASSIFIED)

Angel,

I have a counter offer, how does a filing date of 26 September; Response 16 October; and Reply 22 October sound to you?

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282

[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** coombs@armycourtartialdefense.com  
**Sent:** Monday, July 30, 2012 8:21 AM  
**To:** Overgaard, Angel M CPT USARMY (US)  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US);  
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Fein, Ashden MAJ USARMY MDW  
(US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S. CPT USA JFHQ-  
NCRMDW SJA; Ford, Arthur D Jr CW2 USARMY (US); Morrow, JoDean (Joe) III CPT  
USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US)  
**Subject:** RE: Quantico Emails (UNCLASSIFIED)

Angel,

Thank you for the clarification. I have another request for clarification.: How did the Government obtain the 84 emails that it sent to the Defense? Specifically, did the Government review all emails dealing with PFC Manning's confinement status (that could impact on the Article 13 motion) from the following individuals:

- 1) LTG George Flynn;
- 2) Col. Daniel Choike;
- 3) Col. Robert Oltman;
- 4) COL Carl Coffman; and
- 5) Lt.Col Christopher Greer.

If not, please inform me so that I can file the appropriate discovery request to obtain any additional emails that would be material to the preparation of the defense.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Whyte, J Hunter CPT USARMY (US)  
**Sent:** Monday, July 30, 2012 9:52 AM  
**To:** Tooman, Joshua J CPT USARMY (US)  
**Subject:** RE: Discovery Acknowledgement (UNCLASSIFIED)

**Classification:** UNCLASSIFIED  
**Caveats:** NONE

Thanks, Josh!



---

**From:** Waybright, Daniel W SGT USARMY (US)  
**Sent:** Monday, July 30, 2012 4:00 PM  
**To:** thomas.hurley@osd.army.mil  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Classified Delivery (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Sir,

Will you be available for a classified delivery this evening or early tomorrow morning?

v/r,

SGT Daniel Waybright

Military Justice Paralegal

Fort McNair, DC

COM: (202) 685-1975

Classification: UNCLASSIFIED  
Caveats: NONE

---

**From:** Waybright, Daniel W SGT USARMY (US)  
**Sent:** Monday, July 30, 2012 4:03 PM  
**To:** thomas.hurley@osd.mil  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Classified Delivery (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

Will you be available for a classified delivery this evening or early tomorrow morning?

v/r,  
SGT Daniel Waybright  
Military Justice Paralegal  
Fort McNair, DC  
COM: (202) 685-1975

Classification: UNCLASSIFIED

Caveats: NONE

---

**From:** Whyte, J Hunter CPT USARMY (US)  
**Sent:** Tuesday, July 31, 2012 7:54 AM  
**To:** 'Hurley, Thomas F MAJ OSD OMC Defense'  
**Subject:** RE: (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Thank you, Sir.

v/r  
Hunter

---

**From:** Whyte, J Hunter CPT USARMY (US)  
**Sent:** Tuesday, July 31, 2012 8:58 AM  
**To:** David Coombs  
**Subject:** NGA Acknowledgement (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Mr. Coombs,

I have received the signed acknowledgements from MAJ Hurley and CPT Tooman. Once we receive your acknowledgement, we will produce the NGA documents.

Thank you, Sir.

v/r

Hunter

Classification: UNCLASSIFIED  
Caveats: NONE

---

**From:** Whyte, J Hunter CPT USARMY (US)  
**Sent:** Tuesday, July 31, 2012 9:48 AM  
**To:** 'coombs@armycourt martialdefense.com'  
**Subject:** RE: NGA Acknowledgement (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

David,

Thank you. Have a good day.

v/r  
Hunter

---

**From:** David Coombs [coombs@armycourt martialdefense.com]  
**Sent:** Tuesday, July 31, 2012 11:56 AM  
**To:** Overgaard, Angel M CPT USARMY (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); 'Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA'; Fein, Ashden MAJ USARMY MDW (US); Whyte, J Hunter CPT USARMY (US); von Eiten, Alexander S. CPT USA JFHQ-NCRMDW SJA'; Ford, Arthur D Jr CW2 USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Eiten, Alexander S (Alec) CPT USARMY (US)  
**Subject:** Update (UNCLASSIFIED)

Angel,

Can you please provide me with an update on the following:

- a) The proposed dates for the Speedy Trial motion; and
- b) The Government's access to other emails from the listed individuals (1) LTG George Flynn; 2) Col. Daniel Choike; 3) Col. Robert Oltman;
- 4) COL Carl Coffman; and 5) LtCol. Christopher Greer.

Finally, could you please arrange for PFC Manning to be brought to Fort Meade TDS at 1330 on 27 August 2012? Thank you.

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourt martialdefense.com](mailto:coombs@armycourt martialdefense.com)

[www.armycourt martialdefense.com](http://www.armycourt martialdefense.com) <<http://www.armycourt martialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Sent:** Tuesday, July 31, 2012 2:43 PM  
**To:** David Coombs; Overgaard, Angel M CPT USARMY (US); Overgaard, Angel M CPT USARMY (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); 'Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA'; Fein, Ashden MAJ USARMY MDW (US); Whyte, J Hunter CPT USARMY (US); 'von Elten, Alexander S. CPT USA JFHQ-NCRMDW SJA'; Ford, Arthur D Jr CW2 USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); 'Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA'; Fein, Ashden MAJ USARMY MDW (US); Whyte, J Hunter CPT USARMY (US); 'von Elten, Alexander S. CPT USA JFHQ-NCRMDW SJA'; Ford, Arthur D Jr CW2 USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US)  
**Subject:** RE: Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

Filing dates - Angel responded yesterday, but we've been experiencing some email difficulties. With respect to the speedy trial filings, we have no issues with your counter-offer. Motion due on 26 September; Response due on 16 October; Reply due on 22 October.

Emails - We disclosed all the emails from Quantico in our possession that are material to the preparation of the defense. We made a generalized request for Quantico to gather and preserve documents and information pertaining to PFC BM's confinement. They responded by providing documents and information pertaining to his confinement, and included some emails.

Meeting - We are already working on the meeting request.

CPT Joe Morrow  
Trial Counsel  
U.S. Army Military District of Washington  
Phone: 202-685-1975  
NIPR: [jodean.morrow.mil@mail.mil](mailto:jodean.morrow.mil@mail.mil)  
SIIPR: [jodean.morrow@jhqncr.northcom.smil.mil](mailto:jodean.morrow@jhqncr.northcom.smil.mil)



---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Wednesday, August 01, 2012 1:04 PM  
**To:** Overgaard, Angel M CPT USARMY (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); 'Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA'; Fein, Ashden MAJ USARMY MDW (US); Whyte, J Hunter CPT USARMY (US); 'von Elten, Alexander S. CPT USA JFHQ-NCR MDW SJA'; Ford, Arthur D Jr CVV2 USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US)  
**Subject:** Discovery Request  
**Attachments:** Discovery Request - 1 Aug 12.docx; Discovery Request - 1 Aug 12.pdf

Angel,

Please find attached the Defense's discovery request pertaining to emails regarding PFC Manning's confinement at Quantico. As referenced in the discovery request, we need to receive a timely response from the Government on this request in order to avoid an additional delay. Further, what is the status of the Quantico video that I requested on 9 July 2012?

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Waybright, Daniel W SGT USARMY (US)  
**Sent:** Wednesday, August 01, 2012 2:03 PM  
**To:** thomas.hurley@osd.mil  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Classified Delivery (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Sir,

SGT Derek Clark has left Fort McNair and is heading your way. You should see him in the next 30 min or so. Thanks!

v/r,

SGT Daniel Waybright

Military Justice Paralegal

Fort McNair, DC

COM: (202) 685-1975

Classification: UNCLASSIFIED  
Caveats: NONE

---

**From:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Sent:** Thursday, August 02, 2012 8:24 AM  
**To:** coombs@armycourt martialdefense.com  
**Cc:** Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); von Ellen, Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); 'Hurley, Thomas F MAJ OSD OMC Defense'  
**Subject:** Discovery and Video Update (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

David,

Last night we sent the following classified discovery through FedEx (7986 8499 9626):

BATES 00449582 - 00449764 (NGA documents)  
BATES 00449943 - 00471793 (Joint Staff documents)  
BATES 00471794 - 00479054 (HQDA documents)  
BATES 00479055 - 00504418 (DIA documents)  
BATES 00504419 - 00504420 (ATF damage assessment)

Additionally, we sent the following unclassified discovery through FedEx (7986 8527 6520):

BATES 00504421 - 00504481 (includes confinement recordings and logs, personnel records, attestation certificate)

Both sets should be delivered by 2 August 2012. MAJ Hurley has accepted delivery of everything.

\*\*\*\*\*BREAK\*\*\*\*\*

We are still working with the Marines to locate the video. I hope to have another update for you today. Thanks.

CPT Joe Morrow

Trial Counsel

U.S. Army Military District of Washington

Phone: 202-685-1975

NIPR: jodean.morrow.mil@mail.mil

SIPR: jodean.morrow@ifhqncr.northcom.smil.mil

Classification: UNCLASSIFIED

Caveats: NONE

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [Thomas.Hurley@osd.mil]  
**Sent:** Thursday, August 02, 2012 10:42 AM  
**To:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US);  
coombs@armycourt martialdefense.com  
**Cc:** Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); von Elten,  
Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J  
Hunter CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Discovery and Video Update (UNCLASSIFIED)

CPT Morrow

When I attempt to run the .exe file in the unclassified discovery you sent. I get an error message that indicates there is an "error decoding file." I intentionally put in the wrong password to make sure that wasn't the problem. Then I got a "wrong passcode" message. Please advise.

Thanks.

v/r  
MAJ Hurley

---

**From:** Ford, Arthur D Jr CW2 USARMY (US)  
**Sent:** Thursday, August 02, 2012 10:50 AM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); coombs@armycourtmarshialdefense.com  
**Cc:** Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)  
**Subject:** RE: Discovery and Video Update (UNCLASSIFIED)

MAJ Hurley,

I just double checked the files that we sent you, and they decrypted. Just to be sure, are you copying them from the disc to the hard drive before you try to open them? We have had some problems in the past trying to run it right from the disc. Please give me a call if still doesn't work. Thanks, Sir.

Chief

V/R,

Arthur Ford

CW2, Legal Administrator

BB: 571-289-9690

Comm: 202-685-1975

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [Thomas.Hurley@osd.mil]  
**Sent:** Thursday, August 02, 2012 11:52 AM  
**To:** Ford, Arthur D Jr CW2 USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); coombs@armycourt martialdefense.com  
**Cc:** Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)  
**Subject:** RE: Discovery and Video Update (UNCLASSIFIED)

Chief Ford

Thanks. The work-around worked.

v/r  
tfh

---

**From:** Whyte, J Hunter CPT USARMY (US)  
**Sent:** Thursday, August 02, 2012 3:25 PM  
**To:** Tooman, Joshua J CPT USARMY (US); 'Hurley, Thomas F MAJ OSD OMC Defense'  
**Cc:** 'coombs@armycourtmarialdefense.com'; Williams, Patricia A CIV (US); 'patricia.williams2@us.army.mil'  
**Subject:** FW: CAAF Order: Center for Constitutional Rights et al. v. United States and Chief Judge Lind (Crim. App. Misc. No. 20120514, USCA Misc. Dkt. No. 12-8027/AR) (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Can you please assist Ms. Williams with the errata as soon as possible? This is a time-sensitive issue.

Thank you.

v/r

Hunter



---

**From:** Waybright, Daniel W SGT USARMY (US)  
**Sent:** Friday, August 03, 2012 8:18 AM  
**To:** thomas.hurley@osd.mil  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY  
USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Classified Delivery (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Sir,

Are you available to accept a classified delivery today? Thanks!

v/r,

SGT Daniel Waybright

Military Justice Paralegal

Fort McNair, DC

COM: (202) 685-1975

Classification: UNCLASSIFIED  
Caveats: NONE

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Friday, August 03, 2012 9:19 AM  
**To:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Cc:** Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hurley, Thomas F MAJ OSD OMC Defense  
**Subject:** RE: Discovery and Video Update (UNCLASSIFIED)

Joe,

Can you let me know if you received the email below? Thanks.

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)

[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Sent:** Friday, August 03, 2012 9:21 AM  
**To:** David Coombs  
**Cc:** Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hurley, Thomas F MAJ OSD OMC Defense'  
**Subject:** RE: Discovery and Video Update (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

David,

None of us received the email.

CPT Joe Morrow  
Trial Counsel  
U.S. Army Military District of Washington  
Phone: 202-685-1975  
NIPR: jodean.morrow.mil@mail.mil  
SIPR: jodean.morrow@jfhqncr.northcom.smil.mil

---

**From:** David Coombs [coombs@armycourt martialdefense.com]  
**Sent:** Friday, August 03, 2012 9:23 AM  
**To:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Cc:** Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hurley, Thomas F MAJ OSD OMC Defense  
**Subject:** RE: Discovery and Video Update (UNCLASSIFIED)

Joe,

I didn't think so given the radio silence. It seems that we can never get away from the email issues - very frustrating. Let me know your thoughts once you have had a chance to consider my email.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourt martialdefense.com  
www.armycourt martialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Sent:** Friday, August 03, 2012 9:28 AM  
**To:** David Coombs  
**Cc:** Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hurley, Thomas F MAJ OSD OMC Defense  
**Subject:** RE: Discovery and Video Update (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

David,

It doesn't help that we've just switched over to DISA mail. We will discuss the email internally today and try and provide you an answer ASAP. Thanks.

CPT Joe Morrow  
Trial Counsel  
U.S. Army Military District of Washington  
Phone: 202-685-1975  
NIPR: jodean.morrow.mil@mail.mil  
SIPR: jodean.morrow@jfhqncr.northcom.smil.mil

---

**From:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Sent:** Friday, August 03, 2012 11:29 AM  
**To:** David Coombs  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Whyte, J Hunter CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** document for review (UNCLASSIFIED)

**Classification:** UNCLASSIFIED  
**Caveats:** NONE

David,

NSA has agreed to make a classified document available to the defense for inspection IAW MRE 505(g)(1). Based on the classification level of the document, the NSA will make the document available for inspection at NSA's main complex located at Fort Meade, Maryland. The defense counsel are only authorized access to inspect the document with their security experts present. The existing Protective Order governing classified information applies to this document.

The defense counsel and their security experts are not authorized to share the information contained within the report with the accused.

Mr. Erik Dodson is the point of contact within the Office of the General Counsel and will coordinate the document being available for the defense. You can reach Mr. Dodson at (301) 688-6054 or [ehodso@nsa.gov](mailto:ehodso@nsa.gov). Mr. Dodson will be on leave the week of 6 August 2012; therefore, for that week, the point of contact is Mr. Chad Bayse. You can reach Mr. Bayse at (301) 688-6054 or [cebayse@nsa.gov](mailto:cebayse@nsa.gov).

NSA requests that the defense notify the agency at least five business days in advance of any such review; however, NSA will try to accommodate any requests made on shorter notice.

The prosecution will work with NSA to determine whether we can work out different conditions. Thanks.

CPT Joe Morrow

Trial Counsel

U.S. Army Military District of Washington

Phone: 202-685-1975

NIPR: jodean.morrow.mil@mail.mil

SIPR: jodean.morrow@ifhqncr.northcom.smil.mil

Classification: UNCLASSIFIED

Caveats: NONE

---

**From:** David Coombs [coombs@armycourt martialdefense.com]  
**Sent:** Friday, August 03, 2012 12:40 PM  
**To:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: document for review (UNCLASSIFIED)

Joe,

Thank you. We would appreciate having the ability to look at the document during the next motions argument.

On a separate note, will the Government have any additional requests for redactions for the Article 13 motion?

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourt martialdefense.com](mailto:coombs@armycourt martialdefense.com)

[www.armycourt martialdefense.com](http://www.armycourt martialdefense.com) <<http://www.armycourt martialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*



---

**From:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Sent:** Friday, August 03, 2012 1:22 PM  
**To:** David Coombs  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: document for review (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

David,

We've noted some inconsistencies and will have an email summarizing them in a moment. Thank you.

CPT Joe Morrow  
Trial Counsel  
U.S. Army Military District of Washington  
Phone: 202-685-1975  
NIPR: jodean.morrow.mil@mail.mil  
SIPR: jodean.morrow@fhqncr.northcom.smil.mil

---

**From:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Sent:** Friday, August 03, 2012 1:32 PM  
**To:** David Coombs  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US); 'Hurley, Thomas F MAJ OSD OMC Defense'; Overgaard, Angel M CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Whyte, J Hunter CPT USARMY (US)  
**Subject:** FW: (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

David,

See below. Most of the places identified below are inconsistent with other places where you have redacted information. Thank you.

CPT Joe Morrow  
Trial Counsel  
U.S. Army Military District of Washington  
Phone: 202-685-1975  
NIPR: jodean.morrow.mil@mail.mil  
SIPR: jodean.morrow@ifhqncr.northcom.smil.mil

---

**From:** Whyte, J Hunter CPT USARMY (US)  
**Sent:** Friday, August 03, 2012 2:54 PM  
**To:** 'coombs@armycourt martialdefense.com'; 'Hurley, Thomas F MAJ OSD OMC Defense';  
Tooman, Joshua J CPT USARMY (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY  
USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY  
(US)  
**Subject:** CAAF filing (UNCLASSIFIED)  
**Attachments:** CCRvUS\_Reponse to Writ Appeal (CAAF) (Final).pdf; US v Center for Constitutional  
Rights(motion).pdf

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

CAAF ordered the Government to serve a copy of the attached pleadings on defense counsel.

Thank you.

v/r

Hunter

Classification: UNCLASSIFIED

Caveats: NONE

---

**From:** Whyte, J Hunter CPT USARMY (US)  
**Sent:** Friday, August 03, 2012 2:54 PM  
**To:** coombs@armycourtmarialdefense.com; Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)  
**Subject:** CAAF filing (UNCLASSIFIED)  
**Attachments:** CCRvUS\_Reponse to Writ Appeal (CAAF) (Final).pdf; US v Center for Constitutional Rights(motion).pdf

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

CAAF ordered the Government to serve a copy of the attached pleadings on defense counsel.

Thank you.

v/r

Hunter

Classification: UNCLASSIFIED

Caveats: NONE

---

**From:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Sent:** Friday, August 03, 2012 3:47 PM  
**To:** David Coombs  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Ford, Arthur D Jr CW2 USARMY (US); Waybright, Daniel W SGT USARMY (US)  
**Subject:** FW: Classified Delivery (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

We sent the below to MAJ Hurley today and have not heard anything back. Assuming availability, we will deliver that batch to his office on Monday. We will also FedEx the same on Monday to NWC. Thank you.

CPT Joe Morrow  
Trial Counsel  
U.S. Army Military District of Washington  
Phone: 202-685-1975  
NIPR: jodean.morrow.mil@mail.mil  
SIPR: jodean.morrow@ifhqncr.northcom.smil.mil

---

**From:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Sent:** Friday, August 03, 2012 6:19 PM  
**To:** David Coombs  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Jencks Notification (UNCLASSIFIED)  
**Attachments:** 120803-Government Notification to Defense of Jencks.pdf

Classification: UNCLASSIFIED

Caveats: NONE

David,

Attached is the Jencks notification. Thank you.

CPT Joe Morrow

Trial Counsel

U.S. Army Military District of Washington

Phone: 202-685-1975

NIPR: [jodean.morrow.mil@mail.mil](mailto:jodean.morrow.mil@mail.mil)

SIPR: [jodean.morrow@jfhqncr.northcom.smil.mil](mailto:jodean.morrow@jfhqncr.northcom.smil.mil)

Classification: UNCLASSIFIED

Caveats: NONE

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Saturday, August 04, 2012 12:40 PM  
**To:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US); 'Hurley, Thomas F MAJ OSD OMC Defense'; Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Whyte, J Hunter CPT USARMY (US)  
**Subject:** RE: (UNCLASSIFIED)

Joe,

As you know, Ashden's name does not need to be redacted. However, for the other redactions, please ask Alec to make his identified redactions in a color other than yellow. I will review the redactions on Monday to see if we have any disagreements. Assuming we do not, then I will make the requested redactions and publish the motion.

Let me know if you have any issues.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Saturday, August 04, 2012 12:41 PM  
**To:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Ford, Arthur D Jr CW2 USARMY (US); Waybright, Daniel W SGT USARMY (US)  
**Subject:** RE: Classified Delivery (UNCLASSIFIED)

Joe,

Thank you for the update. Tom was out of the office on Friday. I believe he will be available on Monday.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*



---

**From:** Waybright, Daniel W SGT USARMY (US)  
**Sent:** Monday, August 06, 2012 9:46 AM  
**To:** thomas.hurley@osd.mil  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY  
USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Clark, Derek D SGT USARMY  
USAMDW (US)  
**Subject:** Classified Delivery (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Sir,

Are you available to accept a classified delivery today? Thanks!

v/r,

SGT Daniel Waybright

Military Justice Paralegal

Fort McNair, DC

COM: (202) 685-1975

Classification: UNCLASSIFIED  
Caveats: NONE

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Monday, August 06, 2012 12:55 PM  
**To:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Cc:** Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Hurley, Thomas F MAJ OSD OMC Defense  
**Subject:** RE: Discovery and Video Update (UNCLASSIFIED)

Joe,

Do you have any update on the discovery issue? I want to make sure we are able to build in time for the motion to compel if necessary.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourtartialdefense.com  
www.armycourtartialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Monday, August 06, 2012 1:00 PM  
**To:** 'coombs@armycourtartialdefense.com'; Morrow, JoDean (Joe) III CPT USARMY  
USAMDW (US)  
**Cc:** Tooman, Joshua J CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US);  
Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Ford, Arthur  
D Jr CW2 USARMY (US); 'thomas.hurley@osd.mil'  
**Subject:** Re: Discovery and Video Update (UNCLASSIFIED)

David- I am putting together an update email that I expect to send out in the next few hours on all productions and discovery updates, incl art 13 emails and witnesses.  
Vr ashden

---

**From:** Tooman, Joshua J CPT USARMY (US)  
**Sent:** Monday, August 06, 2012 2:00 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US); 'coombs@armycourtartialdefense.com'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Cc:** von Ellen, Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); 'thomas.hurley@osd.mil'; Hall, Cassius N CIV (US); Ganiel, Charles J CIV (US); Smith, Lillian C CIV USARMY HQDA ITA EM (US)  
**Subject:** Classified Discovery (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

MAJ Fein

Can it be arranged for me to view the discovery referenced in the Government's 3 August filing via SIPRNET? Specifically, would it be possible for me to view this material at Mr. Hall's office? Thank you for your assistance.

v/r

CPT Tooman

Classification: UNCLASSIFIED

Caveats: NONE

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Monday, August 06, 2012 6:24 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Production and Discovery Update

David,

This email serves as an update and recap of the productions from the last week, including today, and outstanding discovery requests the United States is tracking.

#### 1. Classified Productions.

a. Tracking #: 7986 8499 9626 (delivered on 2 Aug) containing: NGA documents (13 Documents, BATES #: 00449582 - 00449764); DoD and Joint Staff documents (4512 Documents, BATES #: 00449943 - 00471793); HQDA documents (1318 Documents, BATES #: 00471794 - 00479054); DIA documents (4825 Documents, BATES #: 00479055 - 00504418); ATF document (1 Document, BATES #: 00504419 - 00504420).

b. Tracking #: 7938 6252 6592 (delivered on 3 Aug) containing: DIA documents (53 Documents, BATES #: 00504653 - 00505060) and other classified documents, including assessments by DTRA, USIIC, DEA, and PIAB, and various CID documents (BATES #: 00505061 - 00505183).

c. Tracking #: 7938 6938 4403 (delivery scheduled for 7 August 2012) containing: (1) Disk 1- damage documents (BATES #: 00505205 - 00505256); other law enforcement documents including enemy information and documents relating to one dataset (BATES #: 00505258 - 00505322); (2) Disk 2- other documents related to another dataset along with an attestation certificate (BATES #: 00505323 - 00505808); (3) Disk 3- "Info Extracted from the FBI Disk" (explained below); and (4) Disks 4 through 7 containing the classified enclosures to the Government Motion to PreAdmit 2.

d. On Friday, 3 August 2012, CPT Morrow sent via SIPR a classified memorandum to all three defense security experts (Hall, Ganiel, and Robillard), but addressed to you, titled "Discovery Production". The purpose of this memorandum is to notify the defense that certain forensic evidence is available for the defense and your forensic computer experts to view, but on an identified computer. The memorandum explains what the evidence is and how it will be made available. The underlying forensic evidence is for the four documents found at BATES #: 00505208-0050529. Additionally, these four documents reference two files that were also extracted and produced on a separate classified CD labeled "Info Extracted from the FBI Disk" (referenced above).

#### 2. Unclassified Productions.

a. Tracking #: 7986 8527 6520 (delivered on 2 August 2012) containing: Various documents, including confinement recordings and logs, IA and ATRRS training records, 201 file pages that were not previously produced with BATES numbers but were included in the court filings, and Int3link log attestation (BATES #: 00504421 - 00504481).

- b. Tracking #: 7938 6321 2778 (delivered 3 August 2012) containing: Miscellaneous documents and attestation certificate, including prior classification declaration and CID memos (BATES #: 00505184 - 00505204).
- c. Tracking #: 7938 6660 9289 (delivered 6 August 2012) containing the Int3link log attestation re-produced with an updated BATES number and an MFR explaining the re-numbering (BATES #: 00505257 - 00505257).
3. NSA Document Review. Per CPT Morrow's email at 1129 on 3 August 2012, please coordinate with Mr. Erik Dodson to inspect the NSA document.
4. Gap in Production Numbers. We are going through the damage assessment/impact reviews which we provided for defense inspection and applying BATES #s. As of now, only the DIA (BATES #: 00504532-00504652) and DoS (BATES #: 00504482-00504531) documents have been given BATES #s and we will manually BATES # the specially controlled documents and provide during the next session.
5. Delivery to MAJ Hurley. We attempted to deliver the classified material to MAJ Hurley on both 3 August 2012 and 6 August 2012, but he is not in the office. When he returns, we will coordinate delivery. We will continue to send the information to NWC.
6. Discovery Request, dated 9 July 2012. The prosecution is working with Quantico to search for the requested video. Thus far, Quantico has been unsuccessful in its search. We will let you know if the video is found or when we exhaust all available resources. The prosecution intends to respond to your request by the end of the week, but as of now we have been told that the memory card was reallocated and cannot be found.
7. Discovery Request, dated 1 August 2012. Understanding the urgency on this request, we are currently working with Quantico MCB to determine what information still exists and is available, especially considering most leaders have departed this summer. Once we ascertain this information, we will then be able to quickly reply and expect to reply by the end of the week. We will provide the defense with an update on Wednesday afternoon.
8. Article 13 Redactions. The only information that CPT von Elten identified that should be redacted is information pursuant to the Court's order pertaining to individuals' names and their duty positions, in order to protect their identify (not parties to the litigation). His list should help you identify the places that we found while reading the pleading, but we did not scrub the list to ensure that you complied with the Court's order.
9. Discovery Production. The prosecution is working to locate and produce the smock, mattress, and blanket, per the Court's order.
10. Unclassified Damage Assessments. The prosecution continues to coordinate with those organizations that provided a classified damage assessment. A majority of those organizations have denied the defense's request, while others are vetting the request throughout the organization to provide the prosecution an answer to the defense's request. Should any organization provide an unclassified version of their document, the prosecution will disclose that material as soon as possible.
11. Speedy Trial Witness List. The prosecution will provide you with a response regarding the filing date for the defense's Speedy Trial Witness List tomorrow.

Thank you!

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Tuesday, August 07, 2012 8:13 AM  
**To:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Ellen, Alexander S (Alec) CPT USARMY (US)  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US)  
**Subject:** RE: Production and Discovery Update

Ashden,

1. Thank you.
2. Thank you.
3. Is the Government still attempting to receive authorization for the Defense to review this document at the Court during the next Article 39(a)?
4. Thank you. The Defense will likely want to see the DIA and DOS damage assessments again at the next Article 39(a).
5. Thank you.
6. Thank you.
7. Thank you. Please provide me with the Government's positions by Thursday. I would like to alert COL Lind to this issue by the end of the week.
8. Please highlight the redactions that the Government believes the Defense missed in some color other than yellow. If the Defense agrees that the information needs to be redacted, we will do so voluntarily. If the Government does not want to do this for some reason, please file your objections today (which were due last week) pursuant to the Court's Order.
9. Thank you.
10. Please provide a list of those organizations that have 1) denied the request (with any basis); 2) approved of the request; or 3) are still considering the request.
11. The Court's Continuance Ruling makes it clear that the Speedy Trial filing dates are moved two weeks to the right. If the Government does not concur, please let me know ASAP so that this issue can be raised with COL Lind for clarification by the end of the week.

Let me know if you have any questions.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282

coombs@armycourtartialdefense.com  
www.armycourtartialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*



---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 07, 2012 12:02 PM  
**To:** 'David Coombs'  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Ellen, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Production and Discovery Update

David,

1. NSA Document Review. This document must be reviewed at the Agency and can be coordinated pursuant to CPT Morrow's previous email. We will not be able to have the document at the Court.

2. Discovery Request, dated 1 August 2012. Acknowledged.

3. Article 13 Redactions. After reviewing the Order, dated 17 July 2012, the Government does have the requirement to notify the Court whether we intend to object, or whether we need to coordinate for a specific filing. We will notify the Court in a little bit that we do not intend to object; however we recommend that you fully redact or use the initials for individuals as per the Court's order. There are no other redactions that we recommend, just those that are pursuant to the Court's order.

4. Unclassified Damage Assessments. Once we complete coordination for these, we will provide the defense with a list of those organizations that approved, along with an estimate of when we will receive the approved unclassified versions for immediate production. As previously stated, the majority of those organizations have denied the defense's request.

5. Speedy Trial Witness List. We agree that the Court's Ruling for a continuance, dated 1 August 2012, states that "sessions and filing deadlines currently scheduled to begin 15 October and 27 November are each continued for 2 weeks." However, the original deadline for this filing is 10 August, which is outside that window. If the date moves to the right anymore, then there will not be enough time for the government to make its determinations under RCM 703, the defense to a file motion to compel (if applicable), and for the parties to litigate the issues before the 26 September 2012 filing deadline for the Defense Motion for Speedy Trial, including Article 10, because the only session remaining between now and the Speedy Trial motion due date is the 28-30 August session.

v/r  
Ashden

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 07, 2012 12:03 PM  
**To:** 'David Coombs'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US)  
**Subject:** RE: Production and Discovery Update

David,

We received the email and I just replied.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Tuesday, August 07, 2012 12:01 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US)  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US)  
**Subject:** RE: Production and Discovery Update

Ashden,

Can you confirm receipt of the message below? Additionally, does the Government have any objections to the redactions in the continuance motion?

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourtartialdefense.com  
www.armycourtartialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Tuesday, August 07, 2012 4:58 PM  
**To:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US); 'Hurley, Thomas F MAJ OSD OMC Defense'; Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Whyte, J Hunter CPT USARMY (US)  
**Subject:** RE: (UNCLASSIFIED)

Ashden,

I am not sure why the Government has heartburn over identifying those areas where you believe redactions are needed. The Defense has identified its redactions in yellow for the ease of your review, and have agreed to make any additional redactions that are warranted.

Pursuant to the Court's guidance, the Defense requests that you provide a good faith review of the Article 13 motion by 12 August.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 07, 2012 5:22 PM  
**To:** 'David Coombs'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Cc:** Tooman, Joshua J CPT USARMY (US); 'Hurley, Thomas F MAJ OSD OMC Defense'; Overgaard, Angel M CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Whyte, J Hunter CPT USARMY (US)  
**Subject:** RE: (UNCLASSIFIED)

David,

We do not have heartburn on sharing what we have already done without redoing our own reviews, which is what we did. When we read the document, we did not review the document to find missing redactions; however, if something stood out then we notified you on what caught our eye and provided that in our email. For us to go back and re-read the 110 page motion just to highlight the material seems unreasonable.

To make this easy for you, I recommend doing a search for each name you use and then you can replace it with a highlight.

v/r  
Ashden

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 07, 2012 6:43 PM  
**To:** Tooman, Joshua J CPT USARMY (US)  
**Cc:** 'coombs@armycourt martialdefense.com'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); 'thomas.hurley@osd.mil'; Hall, Cassius N CIV (US); Ganiel, Charles J CIV (US); Smith, Lillian C CIV USARMY HQDA ITA EM (US)  
**Subject:** RE: Classified Discovery (UNCLASSIFIED)

Josh,

The actual discovery was produced as part of the classified discovery sent to David and attempted to be delivered to MAJ Hurley. That is available anytime. The material referenced in the letter is the underlying forensic evidence that led to that discovery and is available for the defense and specifically the defense forensic computer experts to analyze in order to confirm or deny the findings of the government computer forensic experts. The available information is the same that is on the Forensic Cube we previously provided, but on a specific computer for your experts to analyze.

v/r  
MAJ Fein

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Tuesday, August 07, 2012 8:01 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Cc:** Tooman, Joshua J CPT USARMY (US); 'Hurley, Thomas F MAJ OSD OMC Defense'; Overgaard, Angel M CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Whyte, J Hunter CPT USARMY (US)  
**Subject:** RE: (UNCLASSIFIED)  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ashden,

You have not complied with the Court's Protective Order. Conducting an "if anything catches our eye" review is not a good faith review. As previously stated, the Defense will provide the Government with an additional opportunity to conduct a good faith review of our motion. If we do not hear anything further from you, we will publish the motion on Monday, and then address the issue with the Court during our next Article 39(a).

Additionally, the Government has not stated anything regarding the redacted continuance motion. Do you have any objection regarding the publication of this motion?

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourtartialdefense.com  
www.armycourtartialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** NWC, Robillard, Socorro A., CIV, NAVWARCOL [socorro.robillard@usnwc.edu]  
**Sent:** Wednesday, August 08, 2012 7:23 AM  
**To:** Waybright, Daniel SGT MIL USA MDW; Ford, Arthur D Jr CW2 USARMY (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); David Coombs  
**Subject:** Acknowledgement Receipt 8/7/2012

CW2 Ford/SGT W,

This message serves as an Acknowledgement Receipt for the Fed Ex Tracking # 7938 6938 4403 that was received August 7, 2012. The package contains the following items:

- CD's (6 classified, 1 unclassified)
- Enclosure 1 = sheet by itself with a note "See AE CLXXVIII, Enclosure 1"
- Enclosure 2 = sheet by itself with a note "See AE CLXXVIII, Enclosure 2"
- Enclosure 3 = with 14 pages attached
- Enclosure 4 = sheet by itself with a note "See AE CLXXVIII, Enclosure 4"
- Stapled document = 9 pages
- Enclosure 5-6 = with 1 page attached and a note "See Attached CD"
- Enclosure 7 = with 1 page attached and a note "See Attached CD"
- Enclosure 8 = with 1 page attached and a note "See Attached CD"
- Enclosure 9 = with 1 page attached and a note "See Attached CD"

V/R Corrie

--

Ms. Socorro Robillard, SFPC  
Information Security Specialist  
Classified Material Control Officer

NATO Sub-registry Control Officer

SIPR address: [cmco@nwc.navy.smil.mil](mailto:cmco@nwc.navy.smil.mil) <<mailto:cmco@nwc.navy.smil.mil>>

Naval War College

DSN: 841 3381

Comm: (401) 841-3381 <<tel:%28401%29%20841-3381>>

E-mail: [socorro.robillard@usnwc.edu](mailto:socorro.robillard@usnwc.edu) <<mailto:socorro.robillard@usnwc.edu>>

"THE HUMAN THREAT TO NATIONAL SECURITY:

Did Not Know the Rules - Did Not Understand the Rules - Did Not Follow the Rules"



FOR OFFICIAL USE ONLY - PRIVACY SENSITIVE This electronic transmission  
>may contain confidential information intended only for the person(s)  
>named above. Any misuse or unauthorized disclosure may result in both  
>civil and criminal penalties. If you receive this transmission in  
>error, please notify the sender at the telephone number or e-mail address above.

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Wednesday, August 08, 2012 7:01 PM  
**To:** David Coombs  
**Cc:** Tooman, Joshua J CPT USARMY (US); 'Hurley, Thomas F MAJ OSD OMC Defense';  
 Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
 USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2  
 USARMY (US); Whyte, J Hunter CPT USARMY (US)  
**Subject:** RE: (UNCLASSIFIED)

David,

As stated in yesterday's email, we believe we have complied with the Court's order and completed a good faith review. On Friday, 3 August 2012, we provided you the below issues we identified when reading the motion. As we reviewed the document, we noted any discrepancies and thus relayed that to you via email. You are now asking the prosecution to re-read your 118 page motion to highlight the below discrepancies which is not reasonable, in light of us providing you a list of any issues that we initially identified on 3 August.

Issues:

- \* Enclosure 32 Title
- \* Paragraph 31, PCF Commander only redacted once
- \* Special Rapporteur
- \* Paragraph 65 generally, including the reference to identifying title of MDW SJA, Congressman Kucinich, Mr. Juan Mendez
- \* CPT Fein appears in numerous places, including Paragraphs 64-66 and 68-70
- \* Mr. Méndez's name appears to have been missed where the accent aigu is missing (i.e., "Mendez")
- \* Paragraph 146 lists titles that are identifying
- \* Paragraph 201 misses a "Professor Tribe" entry; however, it links to an article presumably written by Prof. Tribe
- \* Paragraph 206 has some additional misses on Special Rapporteur on Torture and Mendez

Please note that we should not have listed my name as needing redactions, although it is listed above.

As for the motion for continuance, we have no objections. After our review of the previous filings to date, we do not see any that the defense has provided notice of public disclosure, other than Art 13 and Motion for Continuance. Please let us know whether there are any others outstanding. We will notify the Court after this email that we do not object.

Thank you.

v/r  
 Ashden

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [Thomas.Hurley@osd.mil]  
**Sent:** Thursday, August 09, 2012 10:30 AM  
**To:** Waybright, Daniel W SGT USARMY (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY  
USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Clark, Derek D SGT USARMY  
USAMDW (US)  
**Subject:** RE: Classified Delivery (UNCLASSIFIED)

SGT Waybright

I was out of the office TDY for the last few days. I apologize that my out-of-office was not on.

How does tomorrow at 1300 sound? My schedule is fairly full right now.

Thanks.

MAJ Hurley

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Thursday, August 09, 2012 12:02 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense; Waybright, Daniel W SGT USARMY (US)  
**Cc:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Clark, Derek D SGT USARMY USAMDW (US)  
**Subject:** RE: Classified Delivery (UNCLASSIFIED)

MAJ Hurley- that sounds great. We will deliver at 1300. Can you please confirm my previous email about whether you have loaded the previous CD/DVD on a computer. Thank you!

MAJ Fein

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Friday, August 10, 2012 7:25 AM  
**To:** 'David Coombs'  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Discovery Request Update

David,

1. Discovery Request, dated 1 August 2012. We are still actively reaching out to each of the individuals on your request; however almost all of them have PCSed or retired so the contact information you provided is not accurate. We are spending most of today and the weekend chatting with them, so we should have a better understanding of what information does and does not exist by COB on Monday.
2. Discovery Request, dated 9 July 2012. As of 3 August 2012, Quantico could not find the video; however, they are still looking through old camera memory cards and computers to see if a copy exists but all of that equipment was transferred to other organizations on Quantico after the Brig shut down.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourt martialdefense.com]  
**Sent:** Friday, August 10, 2012 7:42 AM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Discovery Request Update

Ashden,

1. Thank you. The contact information was the latest available on the Joint Enterprise Directory Services (JEDS). If you have updated contact information for a specific individual, please provide it to me.

2. Thank you.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourt martialdefense.com](mailto:coombs@armycourt martialdefense.com)  
[www.armycourt martialdefense.com](http://www.armycourt martialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Friday, August 10, 2012 7:45 AM  
**To:** 'David Coombs'  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Discovery Request Update

David,

Absolutely. In our response, we will provide you with the updated information as we accumulate it. Additionally, on 14 August, we will provide the updated information for any of the Government's witnesses.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Friday, August 10, 2012 7:47 AM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Discovery Request Update

Ashden,

Thank you.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*



---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [Thomas.Hurley@osd.mil]  
**Sent:** Friday, August 10, 2012 8:30 AM  
**To:** Fein, Ashden MAJ USARMY MDW (US); Waybright, Daniel W SGT USARMY (US)  
**Cc:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Clark, Derek D SGT USARMY USAMDW (US)  
**Subject:** RE: Classified Delivery (UNCLASSIFIED)

MAJ Fein

I have not loaded it on a computer. I apologize for the omission.

Vr  
MAJ Hurley

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Friday, August 10, 2012 12:30 PM  
**To:** 'Hurley, Thomas F MAJ OSD OMC Defense'  
**Subject:** RE: Classified Delivery (UNCLASSIFIED)

Thanks!

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Friday, August 10, 2012 2:15 PM  
**To:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Waybright, Daniel W SGT USARMY (US)  
**Cc:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Clark, Derek D SGT USARMY USAMDW (US)  
**Subject:** RE: Classified Delivery (UNCLASSIFIED)  
**Attachments:** IMG.PDF  
  
**Importance:** High

MAJ Hurley,

Please destroy the disk today and send us a destruction report including a witness name. I have included an example from the defense security expert located at the NWC. If your organization does not have an appropriate form, then please send me an email stating you have destroyed the disk, that includes the disk name (label), the DTG of destruction, who destroyed the disk, and the witness to the destruction. I will incorporate your form or email into our records to report back to the originating organization.

Thank you!

v/r  
MAJ Fein

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [Thomas.Hurley@osd.mil]  
**Sent:** Friday, August 10, 2012 2:42 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US); Waybright, Daniel W SGT USARMY (US); Selleck, Preston A Capt OSD OMC  
**Cc:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Clark, Derek D SGT USARMY USAMDW (US)  
**Subject:** RE: Classified Delivery (UNCLASSIFIED)

MAJ Fein

I have destroyed the disk. I destroyed the disk in the presence of Capt. Preston Selleck. The destroyed disk will now be thrown away like the rest of the classified refuse in this office.

(I destroyed it by microwaving it. It was pretty cool.)

Please email or call if you have any questions.

Thanks.

MAJ Hurley

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Friday, August 10, 2012 2:44 PM  
**To:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Waybright, Daniel W SGT USARMY (US);  
Selleck, Preston A Capt OSD OMC  
**Cc:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY  
(US); Clark, Derek D SGT USARMY USAMDW (US)  
**Subject:** RE: Classified Delivery (UNCLASSIFIED)

Thank you! I will ask SGT Waybright to microwave a DVD and see what happens!

---

**From:** David Coombs [coombs@armycourt martialdefense.com]  
**Sent:** Sunday, August 12, 2012 9:10 PM  
**To:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US)  
**Subject:** RE: Jencks Notification (UNCLASSIFIED)

Joe,

I understand the Government's position on Jencks. In considering my response, it occurred to me that much of the information that could be Jencks, and that the Defense would want, is likely also Giglio. That is, prior inconsistent statements by Government witnesses (along with bias evidence and any other impeachment evidence) would be discoverable pursuant to the Government's Giglio obligations. The Government's obligations under Giglio are not limited to that information within the trial counsel's possession (or even the military's possession). Rather, the Government's Giglio obligations are similar to the Government's Brady obligations. This would mean that for witnesses that the Government intends to call, it must search anywhere the Government has reason to believe might contain Giglio information (including, obviously, the respective agency of the witness). For instance, the Government must search State Department files for Giglio evidence pertaining to State Department witnesses; it may also have a duty to search other files that it reasonably believes might contain Giglio.

Just to make sure we are on the same page, I would like to confirm the Government's understanding of Giglio. In particular, I was hoping you could clarify the following:

1. Do you view evidence of bias, evidence of motive to fabricate, or prior inconsistent statements of a Government witness as Giglio evidence which must be disclosed?
2. Do you view your Giglio obligations as similar to Brady/Williams?
3. To use an example, will the Government search State Department files for Giglio evidence for State Department witnesses?

To date, I do not believe that the Government has produced any Giglio evidence, with the exception of Adrian Lamo (though the Government has only produced some, but not all, Giglio evidence in respect of this witness). Is there any other Giglio evidence that the Government has produced to the Defense? If so, could you provide me with Bates numbers for this information? Also, when should the Defense expect the rest of the Giglio evidence in this case?

I was hoping you could get back to me on this on Monday, so that I can proceed accordingly for my response to the Jencks motion.

Thank you in advance,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)

[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Sunday, August 12, 2012 9:18 PM  
**To:** 'coombs@armycourt martialdefense.com'; Morrow, JoDean (Joe) III CPT USARMY  
USAMDOW (US)  
**Cc:** 'thomas.hurley@osd.mil'; Tooman, Joshua J CPT USARMY (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US)  
**Subject:** Re: Jencks Notification (UNCLASSIFIED)

David. We will respond tomorrow. Thank you.



---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Sunday, August 12, 2012 9:55 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Cc:** thomas.hurley@osd.mil; Tooman, Joshua J CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US)  
**Subject:** RE: Jencks Notification (UNCLASSIFIED)

Ashden,

Thank you. On an unrelated note, can you tell me why the Defense is only now receiving the DAB classification review?

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
coombs@armycourtartialdefense.com

www.armycourtartialdefense.com <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Sunday, August 12, 2012 10:50 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Cc:** thomas.hurley@osd.mil; Tooman, Joshua J CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Ellen, Alexander S (Alec) CPT USARMY (US)  
**Subject:** Discovery

Ashden,

The Defense is tracking on two gaps in the Bates numbers provided: 00449465 - 00449552 and 00449765 - 00449792. Also, the last document the Defense has received is 00505808. Does this correlate with what the Government believes it has provided to the Defense?

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)

[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Monday, August 13, 2012 9:11 AM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Production and Discovery Update

Ashden,

Do you have an update on the Defense's 1 August discovery request?

- a) The memorandum/e-mail/document from the Government to Quantico requesting that they preservation and produce documents and information pertaining to PFC Manning's confinement;
- b) The names of the individuals who the Government sent the Quantico preservation request to and the date which the Government made its request;
- c) All documentation provided by these individuals in response to the Government's request, the date this information was provided, and the individuals who provided the requested information;
- d) Any other e-mails or documentation that the Government is aware of and has not previously provided to the Defense dealing with PFC Manning's confinement conditions while at Quantico; and
- e) Emails or documentation relating to PFC Manning or PFC Manning's confinement conditions from or to the specifically listed individuals.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourtartialdefense.com  
www.armycourtartialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourt martialdefense.com]  
**Sent:** Monday, August 13, 2012 9:11 AM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Eiten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Production and Discovery Update

Ashden,

Do you have an update on the Defense's 1 August discovery request?

- a) The memorandum/e-mail/document from the Government to Quantico requesting that they preservation and produce documents and information pertaining to PFC Manning's confinement;
- b) The names of the individuals who the Government sent the Quantico preservation request to and the date which the Government made its request;
- c) All documentation provided by these individuals in response to the Government's request, the date this information was provided, and the individuals who provided the requested information;
- d) Any other e-mails or documentation that the Government is aware of and has not previously provided to the Defense dealing with PFC Manning's confinement conditions while at Quantico; and
- e) Emails or documentation relating to PFC Manning or PFC Manning's confinement conditions from or to the specifically listed individuals.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourt martialdefense.com  
www.armycourt martialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Monday, August 13, 2012 9:16 AM  
**To:** David Coombs  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Production and Discovery Update

David,

We will respond later today to this email, along with the others from last night. Thank you.

v/r  
Ashden

---

**From:** Ford, Arthur D Jr CW2 USARMY (US)  
**Sent:** Monday, August 13, 2012 4:42 PM  
**To:** 'Thomas.Hurley@osd.mil'; Fein, Ashden MAJ USARMY MDW (US)  
**Subject:** Re: Classified Discovery

Sir,

Please direct your questions to MAJ Fein at [Ashden.Fein@jfhqncr.northcom.smil.mil](mailto:Ashden.Fein@jfhqncr.northcom.smil.mil). Thanks,  
sir.

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Monday, August 13, 2012 5:14 PM  
**To:** Ford, Arthur D Jr CW2 USARMY (US); 'Thomas.Hurley@osd.mil'  
**Subject:** RE: Classified Discovery

MAJ Hurley,

My SIPR email is ashden.fein@ifhqncr.northcom.smil.mil; however, under the current protective order only the defense security experts are authorized to use SIPR for this case and only for filing purposes. All classified work is required to be completed on the three government provided classified laptops that have been in the defense's possession since November 2011.

v/r  
MAJ Fein

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Monday, August 13, 2012 6:52 PM  
**To:** 'David Coombs'  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Jencks Notification (UNCLASSIFIED)  
**Attachments:** Discovery.txt; RE Discovery Production.txt; 120809-MFR BATES Numbering Discrepancy.pdf

David,

Here is a comprehensive reply to your questions from last night and today.

1. Gap in BATES Numbers. Both these gaps were produced in classified discovery. Please see the two attached emails for references to these numbers.
2. Last BATES Number. As of 10 August 2012, our last number is 00505808, the same as you are tracking. Based on our reclamation of produced material last week, we will have a gap in BATES numbers, and the attached MFR should explain the hole in the numbers.
3. DAB Classification Review. The United States already produced the DAB classification review starting at BATES #: 00378646, with all the other classification reviews for the charged documents. The review provided last week was a prior review that did not contain all the documents.
4. Discovery Request, dated 1 August 2012. The United States will have a response by COB tomorrow with our government witness list for the Article 13 motion. As of 1815 tonight, we are still trying to reach out to the individuals on the discovery request to compile a list of what exists and what does not, and the government's position on the information.
5. Recalled Discovery. Today, we FEDEXed (Tracking #: 7987 2195 7098) to the NWC the files that we reclaimed last week and sanitized. This included the following: BATES #: 00449582 - 00449764; 00449943 - 00471793; 00471794 - 00479054; 00479055 - 00504418; and 00504419 - 00504420, consisting of the HQDA, DIA, DoD and Joint Staff, and ATF Damage Assessment. Additionally, we produced 1 additional spreadsheet with BATES #: 00505809-00506675. Note- this is a new "last BATES #" in the discovery.
6. Jencks and Giglio. The United States agrees that its obligations to search for, and produce, Giglio material differ from its obligations to search for, and produce, Jencks (RCM 914) material. The Government responds to your questions as follows:

Question 1. Yes.

Question 2. Yes. The United States searched for Brady information, to include Giglio material, when it conducted its William search. In addition to the general search of files, the United States submitted specific requests for Giglio material, based on each witness, to further exhaust its resources.

Question 3. Yes.

Thus far, the prosecution has produced any and all information that may constitute Giglio material from within its files. The United States continues its search for Brady/Giglio



material and will produce any such material as soon as possible. The United States anticipates completing its "to-date" search in the upcoming weeks. Finally, the United States does understand its continuing obligation to produce Brady, Giglio, and Jencks material.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Monday, August 13, 2012 7:27 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Jencks Notification (UNCLASSIFIED)

Ashden,

1. Thank you.
2. Thank you. I will look at this and let you know if I have any questions.
3. Understood.
4. I am hoping that you can provide this early enough in the day so that I will be able to incorporate the information into our filing for the 15th. Depending upon your discovery response, we may either have a motion to compel or additional witnesses to add to the Article 13 list. Either could cause the need for an additional delay in the litigation of the motion. As mentioned when we submitted our discovery request two weeks ago, this is a time sensitive issue.
5. Thank you.
6. Thank you. Can you please provide me with a copy of the Giglio request submitted for each witness?

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourtartialdefense.com  
www.armycourtartialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [Thomas.Hurley@osd.mil]  
**Sent:** Tuesday, August 14, 2012 7:22 AM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Subject:** RE: Classified Discovery  
**Categories:** Red Category

MAJ Fein

Please send me this Protective Order.

Thanks.

MAJ Hurley

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 14, 2012 7:40 AM  
**To:** 'Hurley, Thomas F MAJ OSD OMC Defense'  
**Subject:** RE: Classified Discovery  
**Attachments:** AE032-120316-Order (Protective Order Classified Information).pdf

Attached.

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Tuesday, August 14, 2012 12:01 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Article 13 Witnesses

Ashden,

Several of the possible additional Article 13 witnesses have requested that I share a copy of the emails that I am referencing during the interview. Due to deployments, PCSing, or retirement, they no longer have a copy. Does the Government have any objection to me sharing the emails provided in discovery with the potential witnesses?

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 14, 2012 12:03 PM  
**To:** 'David Coombs'  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Article 13 Witnesses

David,

The United States does not object. Additionally, for the same reasons, we intend to provide copies of all documentation, including emails, that we received back to them in order to assist them in refreshing their recollection.

-Break-

We are finalizing our discovery response to get to you ASAP.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Tuesday, August 14, 2012 12:07 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Article 13 Witnesses

Ashden,

Sounds good. Are the emails that you are planning on sharing the same ones that I have, or are you providing additional emails? None of the witnesses that I spoke to recall the Government requesting that they preserve their emails. Please ensure that the preservation request that you sent is part of the Government's discovery response.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 14, 2012 12:08 PM  
**To:** 'David Coombs'  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Article 13 Witnesses

David,

We intend to give you a copy of the discovery request that we submitted. I can only assume that these individuals don't remember our request because it went through the OSJA office, as you will see in our discovery response. They responded to a request from the OSJA, which was pursuant to our request.

v/r  
Ashden



**From:** NWC, Robillard, Socorro A., CIV, NAVWARCOL [socorro.robillard@usnwc.edu]  
**Sent:** Tuesday, August 14, 2012 12:38 PM  
**To:** Clark, Derek D SGT USARMY USAMDW (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Ford, Arthur D Jr CW2 USARMY (US); David Coombs  
**Subject:** Acknowledgement Receipt

SGT Clark,

This message serves as an Acknowledgement Receipt for the Fed Ex Tracking #7987 2195 7098 that I received today, August 7, 2012. The package contains 2 CD's.

V/r Corrie  
Ms. Socorro Robillard, SFPC  
Information Security Specialist  
Classified Material Control Officer

NATO Sub-registry Control Officer

SIPR address: [cmco@nwc.navy.smil.mil](mailto:cmco@nwc.navy.smil.mil) <<mailto:cmco@nwc.navy.smil.mil>>

Naval War College

DSN: 841 3381

Comm: (401) 841-3381 <<tel:%28401%29%20841-3381>>

E-mail: [socorro.robillard@usnwc.edu](mailto:socorro.robillard@usnwc.edu) <<mailto:socorro.robillard@usnwc.edu>>

"THE HUMAN THREAT TO NATIONAL SECURITY:

Did Not Know the Rules - Did Not Understand the Rules - Did Not Follow the Rules"

FOR OFFICIAL USE ONLY - PRIVACY SENSITIVE This electronic transmission  
>may contain confidential information intended only for the person(s)  
>named above. Any misuse or unauthorized disclosure may result in both  
>civil and criminal penalties. If you receive this transmission in  
>error, please notify the sender at the telephone number or e-mail address above.

---

**From:** Tooman, Joshua J CPT USARMY (US)  
**Sent:** Tuesday, August 14, 2012 1:14 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Cc:** David Coombs; Hurley, Thomas F MAJ OSD OMC Defense  
**Subject:** Badge for SDC/RDC (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

MAJ Fein

On occasion my SDC and RDC would like to come observe the proceedings. It seems that if they were able to obtain a badge their visits would be much easier. Is this possible and, if so, what information do you need from them?

Thanks for your help.

v/r

Josh

Joshua J. Tooman  
CPT, JA  
Trial Defense Counsel  
9990 Belvoir Drive  
Fort Belvoir, VA 22060  
Tel: (703) 805-4383  
Fax: (703) 805-4413  
[joshua.tooman@us.army.mil](mailto:joshua.tooman@us.army.mil)

Classification: UNCLASSIFIED

Caveats: NONE

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 14, 2012 1:16 PM  
**To:** Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Cc:** David Coombs; Hurley, Thomas F MAJ OSD OMC Defense  
**Subject:** RE: Badge for SDC/RDC (UNCLASSIFIED)

Absolutely! CW2 Parra- please assist. Thank you.

---

**From:** Parra, Jairo A (JP) CW2 USARMY USAMDW (US)  
**Sent:** Tuesday, August 14, 2012 1:32 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)  
**Cc:** David Coombs; Hurley, Thomas F MAJ OSD OMC Defense  
**Subject:** RE: Badge for SDC/RDC (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Sir,

Please let me know when they are coming and we can coordinate their access.  
It is very easy! Thank you.

v/r,

JP

Jairo A. Parra  
CW2, JA  
Legal Administrator  
JFHQ-NCR, MDW  
[jairo.a.parra.mil@mail.mil](mailto:jairo.a.parra.mil@mail.mil)  
[jairo.parra@us.army.mil](mailto:jairo.parra@us.army.mil)  
[jairo.parra@jfhqncr.northcom.smil.mil](mailto:jairo.parra@jfhqncr.northcom.smil.mil)  
(202) 685-1975 - Direct  
(571) 249-9697 - Blackberry  
(931) 572-7632 - Cell

\*\*\*CAUTION: The information contained in this email and any accompanying attachments may contain Freedom of Information Act protected information, including attorney-client or attorney work product privileged information. This information may not be released outside of the Department of Defense without prior authorization from the Office of The Judge Advocate General, Department of the Army. If you are not the intended recipient of this information, any disclosure, copying, distribution, or the taking of any action in reliance on this information is prohibited. If you received this email in error, please notify this office immediately by return email (see 5 U.S.C. § 552 and Army Regulations 25-55 and 27-2).\*\*\*

---

**From:** Tooman, Joshua J CPT USARMY (US)  
**Sent:** Tuesday, August 14, 2012 1:44 PM  
**To:** Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** David Coombs; Hurley, Thomas F MAJ OSD OMC Defense  
**Subject:** RE: Badge for SDC/RDC (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Thank you, gentlemen.

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 14, 2012 4:38 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Discovery Response, 1 Aug 12  
**Attachments:** 120801-Defense Discovery Request.pdf  
**Importance:** High

David,

Attached is our discovery response to the defense discovery request, dated 1 August 2012. Early this afternoon, we were finally able to speak briefly with Col Miner, who is on R&R leave from his deployment. His response is reflected in the response. Also, in my email this morning, I mentioned that we would provide a copy of the preservation request we submitted; however we already provided that to the defense through a previous court filing, and that is reflected in this response.

Finally, as annotated in this response, we are producing two documents related to Quantico, and you should receive them via FEDEX tomorrow. I will send the tracking number once we have it.

v/r  
Ashden

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 14, 2012 4:41 PM  
**To:** 'David Coombs'  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Discovery Response, 1 Aug 12  
**Attachments:** 120814-Government Response to Defense Discovery Request.pdf

David,

Attached is the actual response, and not the defense's request.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Tuesday, August 14, 2012 5:15 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Discovery Response, 1 Aug 12

Ashden,

Before I alert the Court to the need for a motion to compel, can you tell me how many other emails you have in addition to the 84 that you provided to the Defense?

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*



---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 14, 2012 5:30 PM  
**To:** 'David Coombs'  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Discovery Response, 1 Aug 12

David,

We received a total of 1374 emails, and after reviewing them, produced 84, which leaves 1290 remaining.

v/r  
Ashden

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 14, 2012 7:12 PM  
**To:** 'David Coombs'  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Discovery Response, 1 Aug 12

David,

In reference to my email below, we sent the two documents (BATES #: 00506676 - 00506684) via FEDEX (Tracking #: 7987 4309 0590) and it should be delivered to you tomorrow. We will deliver them to MAJ Hurley, if he is available.

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Tuesday, August 14, 2012 8:28 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Discovery Response, 1 Aug 12

Ashden,

Thank you.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 14, 2012 8:54 PM  
**To:** 'David Coombs'  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Article 13 Witness List  
**Attachments:** 120814-Government Witness List (Article 13).docx; 120814-Government Witness List (Article 13).pdf; 602518r.pdf

David,

Attached is the government's Article 13 witness list. According to the legal advisors to the health care providers on our witness list and some of the doctors on the defense's witness list, we are required to obtain a HIPAA release from the accused or a Court order, before speaking with the providers. You mentioned in chambers that the defense would not have an issue providing this waiver, if it became an issue. Could you please assist with providing the government with the HIPAA release so we can continue preparing our response. Additionally, attached is DoD 6025.18r, DoD Health Information Privacy Regulation, which we were provided by the health care attorneys.

Thank you!

v/r  
Ashden

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Tuesday, August 14, 2012 9:06 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Article 13 Witness List

Ashden,

I do not understand a witness list where the Government states it "may" call a certain witness. Are these individuals being called by the Government or not? Additionally, the Defense does not need to comply with Rockwood or RCM 703 if it is simply adopting the Government's witness list. If the Government elects not to call a certain witness, then you must provide us with timely notice of this fact.

I also do not understand what you mean by stating there may be a need to comply with Touhy. Finally, which Defense listed witness indicated that you needed a HIPPA release? From speaking with my witnesses, they informed me that you had already interviewed them.

Best,

David

David E. Coombs, Esq.

Law Office of David E. Coombs

11 South Angell Street, #317

Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)

[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Wednesday, August 15, 2012 9:26 AM  
**To:** 'David Coombs'  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Article 13 Witness List

David,

For this witness list, we used our standard language and below is a brief response to your email.

1. The United States intends to call all the listed witnesses, but our decision could change based on many factors. To ensure the production of a witness, the defense must comply with RCM 703(c) and Rockwood.
2. Although Touhy always applies, these government employees do not require further coordination because they are employed through the Department of Defense; therefore, it is not necessary.
3. Although all of the medical professionals from the defense witness list spoke to us, most of them only answered very specific questions and did not go into much detail- enough for the prosecution to make determinations under RCM 703. We added CAPT Richardson and LCDR Weber, who are both mental health professionals that saw the accused in Kuwait, to the government's witness list, and they require a written waiver.

Thank you!

v/r  
Ashden

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [Thomas.Hurley@osd.mil]  
**Sent:** Wednesday, August 15, 2012 9:27 AM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'David Coombs'; Tooman, Joshua J CPT USARMY (US)  
**Subject:** Delivery

MAJ Fein

Is there a delivery that I need to take today? I am available all day. I know that the answer is probably 'no' but can you send me the government's classified filing at the secret address below.

Thanks.

Thomas F. Hurley  
MAJ, JA, USA  
Office of the Military Commissions - Defense  
[thomas.hurley@osd.mil](mailto:thomas.hurley@osd.mil)  
[thomas.hurley@osd.smil.mil](mailto:thomas.hurley@osd.smil.mil)  
(703)696-9490, extension 117 (office)  
(703)209-8061 (cell)  
(703)696-9575 (fax)



---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Wednesday, August 15, 2012 9:33 AM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** 'David Coombs'; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Delivery

MAJ Hurley,

We have unclassified information to deliver you today, and based on an email later this morning, we will likely have classified material as well (MTF). Our paralegals will coordinate separately for the delivery.

As I explained on Monday, under the current protective order only the defense security experts are authorized to use SIPR for this case and only for filing purposes. All classified work is required to be completed on the three government provided classified laptops that have been in the defense's possession since November 2011.

If you need another copy of the classified filing, we can deliver a copy today with the other material. Please let us know and we will add that to the delivery.

v/r  
MAJ Fein

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Wednesday, August 15, 2012 9:41 AM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Article 13 Witness List

Ashden,

1. I disagree with your interpretation of whether the Defense can simply adopt the Government listed witnesses.
2. I disagree that Touhy would apply to a Defense witness listed for a court-martial. I agree that all of the Government listed witnesses are Department of Defense witnesses.
3. There is no need for a RCM 703 determination. The Government should ask whatever questions it wants of the Defense listed witnesses, and then renew its request with specificity regarding the questions the Defense witnesses refused to answer.

Best,

David

David E. Coombs, Esq.

Law Office of David E. Coombs

11 South Angell Street, #317

Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

coombs@armycourtartialdefense.com

www.armycourtartialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Wednesday, August 15, 2012 9:43 AM  
**To:** Fein, Ashden MAJ USARMY MDW (US); 'Hurley, Thomas F MAJ OSD OMC Defense'  
**Cc:** Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Delivery  
**Categories:** Red Category

Ashden,

Given MAJ Hurley's SIPR access, we will be requesting that the Court amend the Protective Order. There is no reason the Government should have the ability to use SIPR and Defense not.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Wednesday, August 15, 2012 9:44 AM  
**To:** 'David Coombs'  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Delivery

David,

We will assess our position based on the defense's motion. Thank you.

v/r  
MAJ Fein

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Wednesday, August 15, 2012 9:47 AM  
**To:** 'David Coombs'  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Article 13 Witness List

David,

Thank you. As for the two witnesses on the government's witness list, they will not speak with us without a waiver or court order. Will the defense be willing to obtain a waiver so that we may speak with these witnesses or will the defense require the United States to request a Court order? These doctors fall into the same category of the doctors from Quantico that are on the defense's witness list, and currently we are unable to ask them pertinent questions based on what the defense has alleged in your Article 13 motion.

v/r  
Ashden

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [Thomas.Hurley@osd.mil]  
**Sent:** Wednesday, August 15, 2012 9:48 AM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'David Coombs'; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Delivery  
**Categories:** Red Category

MAJ Fein

Yes, please give me another copy of the classified filing along with all of the enclosures.

Maybe I'm missing it, but I see nothing in the order indicating who can and cannot use SIPRNET and for what purpose. Please advise.

v/r  
tfn

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Wednesday, August 15, 2012 9:49 AM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Article 13 Witness List

Ashden,

You will need to request a Court Order.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
coombs@armycourtartialdefense.com  
www.armycourtartialdefense.com

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*



---

**From:** Whyte, J Hunter CPT USARMY (US)  
**Sent:** Wednesday, August 15, 2012 11:41 AM  
**To:** 'coombs@armycourtmarialdefense.com'; 'Hurley, Thomas F MAJ OSD OMC Defense';  
Tooman, Joshua J CPT USARMY (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY  
USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec)  
CPT USARMY (US)  
**Subject:** USCYBERCOM acknowledgement (UNCLASSIFIED)  
**Attachments:** 120815-USCYBERCOM Discovery.pdf

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Last night, we received approval to disclose to the defense, or to make available for inspection (as explained in the attached memorandum), United States Cyber Command records that either involve investigation, damage assessment, or mitigation measures, or are otherwise material to the preparation of the defense. We will disclose, or make available for inspection, those records immediately after we receive the signed acknowledgements (attached), as explained in the attached memorandum.

Thank you all!

v/r

Hunter

Classification: UNCLASSIFIED

Caveats: NONE

---

**From:** Whyte, J Hunter CPT USARMY (US)  
**Sent:** Wednesday, August 15, 2012 11:41 AM  
**To:** coombs@armycourt martialdefense.com; Hurley, Thomas F MAJ OSD OMC Defense;  
Tooman, Joshua J CPT USARMY (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY  
USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec)  
CPT USARMY (US)  
**Subject:** USCYBERCOM acknowledgement (UNCLASSIFIED)  
**Attachments:** 120815-USCYBERCOM Discovery.pdf

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Last night, we received approval to disclose to the defense, or to make available for inspection (as explained in the attached memorandum), United States Cyber Command records that either involve investigation, damage assessment, or mitigation measures, or are otherwise material to the preparation of the defense. We will disclose, or make available for inspection, those records immediately after we receive the signed acknowledgements (attached), as explained in the attached memorandum.

Thank you all!

v/r

Hunter

Classification: UNCLASSIFIED

Caveats: NONE

---

**From:** Tooman, Joshua J CPT USARMY (US)  
**Sent:** Wednesday, August 15, 2012 3:29 PM  
**To:** Whyte, J Hunter CPT USARMY (US); coombs@armycourtartialdefense.com; Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US)  
**Subject:** RE: USCYBERCOM acknowledgement (UNCLASSIFIED)  
**Attachments:** CYBERCOM\_Acknowledgement.pdf

Classification: UNCLASSIFIED

Caveats: NONE

Hunter

See attached.

Thanks,  
Josh

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Wednesday, August 15, 2012 8:51 PM  
**To:** 'David Coombs'  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Accused FOIA Request  
**Attachments:** 120813-Manning FOIA Request.pdf

David,

Attached is a FOIA request the OSJA received today from PFC Manning. He appears to be asking for Court documents, including all pleadings filed by both parties and Court orders, and discovery which are in the possession of his defense team.

Please confirm you are aware of this request, before we take any action on the request.  
Thank you.

v/r  
Ashden

---

**From:** Whyte, J Hunter CPT USARMY (US)  
**Sent:** Thursday, August 16, 2012 8:13 AM  
**To:** Tooman, Joshua J CPT USARMY (US); coombs@armycourt martialdefense.com; Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US)  
**Subject:** RE: USCYBERCOM acknowledgement (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Thank you, Josh. I am still waiting to receive the acknowledgements from Mr. Coombs and MAJ Hurley.

v/r  
Hunter

---

**From:** Whyte, J Hunter CPT USARMY (US)  
**Sent:** Thursday, August 16, 2012 8:13 AM  
**To:** Tooman, Joshua J CPT USARMY (US); coombs@armycourt martialdefense.com; Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US)  
**Subject:** RE: USCYBERCOM acknowledgement (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Thank you, Josh. I am still waiting to receive the acknowledgements from Mr. Coombs and MAJ Hurley.

v/r  
Hunter

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Thursday, August 16, 2012 2:34 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Article 13 and other Matters

David,

Good afternoon.

1. Brig SOP. After reviewing the material Quantico provided the prosecution as part of the preservation request, we realized that it did not include the Brig SOP. Last night, we asked CW02 Barnes if she still had a copy of the SOP and this morning she emailed us the SOP, which was in effect during PFC Manning's confinement at Quantico. We will immediately email you a produced copy so you can review the information, and we will also produce a copy through normal discovery.

2. Prisoner Rules and Regulations. During our search for the SOP, we found a hardcopy of the Prisoner Rules and Regulations in our files, which PFC Manning received when in-processing at Quantico. We will produce a copy of this pamphlet and send immediately as well.

3. Witness Statements. In the Article 13 motion, the defense quotes from at least one "oral statement" made by a mental health professional and an affidavit by COL Malone, but the government has not seen or received these statements. Please ensure all witness statements are disclosed in a timely manner IAW RCM 701(b) and RCM 914 to avoid delays at the motions hearing. As a reminder, this includes recorded statements and transcriptions.

4. USCYBERCOM Acknowledgment. We received CPT Tooman's acknowledgment for USCYBERCOM material. We are still waiting on yours and MAJ Hurley's before we send the discovery, which is ready to go.

Thank you.

V/r  
Ashden

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Thursday, August 16, 2012 3:04 PM  
**To:** 'Hurley, Thomas F MAJ OSD OMC Defense'; David Coombs  
**Cc:** Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Article 13 and other Matters

Thank you. That is not needed. He is out of the office reviewing documents and will be back today.



---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [Thomas.Hurley@osd.mil]  
**Sent:** Thursday, August 16, 2012 3:03 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US); David Coombs  
**Cc:** Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Article 13 and other Matters

MAJ Fein

FWIW, I forwarded it to CPT Whyte this morning. You need me to forward it again?

v/r  
tfh

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Thursday, August 16, 2012 4:12 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Accused FOIA Request

Ashden,

Sorry for the belated response. I was not aware of the FOIA request. However, I see no reason for the Government not to process it.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Thursday, August 16, 2012 4:15 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Ellen, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Article 13 and other Matters

Ashden,

1. I was just about to file a request for this document based upon my discussion with one of the Article 13 witnesses.
2. Thank you.
3. Please look at Enclosure 9 of the Article 13 filing.
4. Sorry. I have been out of the office. I will send this to you shortly.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Whyte, J Hunter CPT USARMY (US)  
**Sent:** Thursday, August 16, 2012 5:14 PM  
**To:** 'David Coombs'  
**Subject:** RE: USCYBERCOM acknowledgement (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Thank you, David! Have a good evening!

v/r  
Hunter

-----Original Message-----

**From:** David Coombs [<mailto:coombs@armycourtartialdefense.com>]  
**Sent:** Thursday, August 16, 2012 4:17 PM  
**To:** Whyte, J Hunter CPT USARMY (US)  
**Subject:** RE: USCYBERCOM acknowledgement (UNCLASSIFIED)

Hunter,

Here is the signed document that you requested. Sorry for the delay.

Best,

David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)

[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com) <<http://www.armycourtartialdefense.com/>>

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are

not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

From: Whyte, J Hunter CPT USARMY (US) [<mailto:jeffrey.h.whyte.mil@mail.mil>]  
Sent: Wednesday, August 15, 2012 11:41 AM  
To: [coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com); Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US)  
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US)  
Subject: USCYBERCOM acknowledgement (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Last night, we received approval to disclose to the defense, or to make available for inspection (as explained in the attached memorandum), United States Cyber Command records that either involve investigation, damage assessment, or mitigation measures, or are otherwise material to the preparation of the defense. We will disclose, or make available for inspection, those records immediately after we receive the signed acknowledgements (attached), as explained in the attached memorandum.

Thank you all!

v/r

Hunter

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

---

**From:** Whyte, J Hunter CPT USARMY (US)  
**Sent:** Thursday, August 16, 2012 5:19 PM  
**To:** 'Hurley, Thomas F MAJ OSD OMC Defense'  
**Subject:** RE: (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Thank you, Sir.

v/r  
Hunter

-----Original Message-----

From: Hurley, Thomas F MAJ OSD OMC Defense [<mailto:Thomas.Hurley@osd.mil>]  
Sent: Thursday, August 16, 2012 8:26 AM  
To: Whyte, J Hunter CPT USARMY (US)  
Subject: FW:

CPT Whyte

Please enjoy.

v/r  
tfh

-----Original Message-----

From: Hurley, Thomas F MAJ OSD OMC Defense [<mailto:Thomas.Hurley@osd.mil>]  
Sent: Thursday, August 16, 2012 8:24 AM  
To: Hurley, Thomas F MAJ OSD OMC Defense  
Subject:

Please open the attached document. This document was digitally sent to you using an HP Digital Sending device.

Classification: UNCLASSIFIED  
Caveats: NONE

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Thursday, August 16, 2012 5:47 PM  
**To:** David Coombs  
**Cc:** Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Aleç) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Robillard, Socorro A CIV (US)  
**Subject:** Discovery  
**Attachments:** 00508691-00508934.txt

David,

1. Attached is the Brig SOP and Prisoner handbook (BATES #: 00508691-00508934). Please convert the "txt" to a "exe" and use the standard password.
2. We are sending FEDEX (Tracking #: 7987 6291 4062) to the NWC, classified discovery (BATES #: 00506685-00508690) from USCYBERCOM at the "secret" level and below. We are not filing a MRE 505(g)(2) motion for any USCYBERCOM material. The above "secret" level will be made available in a SCIF or temporary workspace, with the defense security experts present. Please provide us reasonable notice and we will ensure our security expert makes the documents available. We can setup the deliberation room again for access, if the defense would like. We just need to know which day(s) during the next hearing.
3. We are sending FEDEX (Tracking #: 7987 6342 2383), unclassified discovery of the the productions that are attached to this email.
4. We will deliver all the above and the other discovery to MAJ Hurley tomorrow.

v/r  
Ashden

---

**From:** McLamb, Amber M SGT USARMY MDW (US)  
**Sent:** Friday, August 17, 2012 7:44 AM  
**To:** thomas.hurley@osd.mil  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Classified Delivery (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

What time will you be available to accept a classified delivery today? Thanks!

v/r

SGT McLamb

Classification: UNCLASSIFIED

Caveats: NONE



---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [Thomas.Hurley@osd.mil]  
**Sent:** Friday, August 17, 2012 8:39 AM  
**To:** McLamb, Amber M SGT USARMY MDW (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY  
USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Classified Delivery (UNCLASSIFIED)

SGT McLamb

I would prefer anytime before noon. Will you be bringing the unclassified discovery as well?

Thanks.

MAJ Hurley

---

**From:** McLamb, Amber M SGT USARMY MDW (US)  
**Sent:** Friday, August 17, 2012 8:41 AM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY  
USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Classified Delivery (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Roger Sir.

SGT M

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense  
**Sent:** Friday, August 17, 2012 1:54 PM  
**To:** Morrow, Jodean; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA  
**Subject:** Commo Check (U)

Classification: UNCLASSIFIED

I was just wondering if this email is working.

Thanks.

Tom Hurley

---

**From:** NWC, Robillard, Socorro A., CIV, NAVWARCOL [socorro.robillard@usnwc.edu]  
**Sent:** Friday, August 17, 2012 2:38 PM  
**To:** Clark, Derek D SGT USARMY USAMDW (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Ford, Arthur D Jr CW2 USARMY (US); David Coombs  
**Subject:** Acknowledgement Receipt

SGT Clark

This message serves as an Acknowledgement Receipt for the Fed Ex Tracking # 7987 6291 4062 that was received today, August 17, 2012. The package contains 1 (one) CD.

V/R Corrie

Ms. Socorro Robillard, SFPC  
Information Security Specialist  
Classified Material Control Officer

NATO Sub-registry Control Officer

SIPR address: [cmco@nwc.navy.smil.mil](mailto:cmco@nwc.navy.smil.mil) <<mailto:cmco@nwc.navy.smil.mil>>

Naval War College

DSN: 841 3381

Comm: (401) 841-3381

E-mail: [socorro.robillard@usnwc.edu](mailto:socorro.robillard@usnwc.edu) <<mailto:socorro.robillard@usnwc.edu>>

"THE HUMAN THREAT TO NATIONAL SECURITY:

Did Not Know the Rules - Did Not Understand the Rules - Did Not Follow the Rules"

FOR OFFICIAL USE ONLY - PRIVACY SENSITIVE This electronic transmission  
>may contain confidential information intended only for the person(s)  
>named above. Any misuse or unauthorized disclosure may result in both  
>civil and criminal penalties. If you receive this transmission in  
>error, please notify the sender at the telephone number or e-mail address above.

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [Thomas.Hurley@osd.mil]  
**Sent:** Friday, August 17, 2012 4:26 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Subject:** Coming By

MAJ Fein

Are you prepared to receive a classified filing hand-delivered by me today?

Thomas F. Hurley  
MAJ, JA, USA  
Office of the Military Commissions - Defense  
[thomas.hurley@osd.mil](mailto:thomas.hurley@osd.mil)  
[thomas.hurley@osd.smil.mil](mailto:thomas.hurley@osd.smil.mil)  
(703)696-9490, extension 117 (office)  
(703)209-8061 (cell)  
(703)696-9575 (fax)

---

**From:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Sent:** Friday, August 17, 2012 4:29 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'  
**Subject:** RE: Coming By (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

What time?

CPT Joe Morrow  
Trial Counsel  
U.S. Army Military District of Washington  
Phone: 202-685-1975  
NIPR: [jodean.morrow.mil@mail.mil](mailto:jodean.morrow.mil@mail.mil)  
SIPR: [jodean.morrow@afhqncr.northcom.smil.mil](mailto:jodean.morrow@afhqncr.northcom.smil.mil)

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [Thomas.Hurley@osd.mil]  
**Sent:** Friday, August 17, 2012 4:32 PM  
**To:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US)  
**Subject:** RE: Coming By (UNCLASSIFIED)

By 1700

---

**From:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Sent:** Friday, August 17, 2012 4:35 PM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense; Fein, Ashden MAJ USARMY MDW (US)  
**Subject:** RE: Coming By (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Roger. We'll be here. Please call 1975 (below) or 4572. Thanks Sir.

CPT Joe Morrow  
Trial Counsel  
U.S. Army Military District of Washington  
Phone: 202-685-1975  
NIPR: jodean.morrow.mil@mail.mil  
SIPR: jodean.morrow@fhqncr.northcom.smil.mil



---

**From:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)  
**Sent:** Friday, August 17, 2012 6:46 PM  
**To:** David Coombs  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Whyte, J Hunter CPT USARMY (US); Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US); Robillard, Socorro A CIV (US)  
**Subject:** FedEx and Discovery Update (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

David,

We FedEx'd the enclosures to the Article 13 motion, tracking numbers 798769457743 (box containing printouts of the enclosures) and 798770976540 (envelope containing four discs and a PDF of the enclosures).

Additionally, DIA approved disclosure of classified material that the government is not submitting to the Court under MRE 505(g)(2). We will send the material to NWC on Monday morning, and schedule a delivery with MAJ Hurley. Thanks.

CPT Joe Morrow

Trial Counsel

U.S. Army Military District of Washington

Phone: 202-685-1975

NIPR: [jodean.morrow.mil@mail.mil](mailto:jodean.morrow.mil@mail.mil)

SIPR: [jodean.morrow@jfhqncr.northcom.smil.mil](mailto:jodean.morrow@jfhqncr.northcom.smil.mil)

Classification: UNCLASSIFIED  
Caveats: NONE

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Sunday, August 19, 2012 6:17 AM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Ellen, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Updated Witness List

Ashden,

The Defense has noted that some of the contact information provided by the Government for its merits and sentencing witnesses is no longer accurate. You had previously stated that the Government was planning to file an updated witness list on 14 August with new contact information. The Defense did not receive this information. When are you intending to file your updated witness list?

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [Thomas.Hurley@osd.mil]  
**Sent:** Monday, August 20, 2012 8:46 AM  
**To:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); David Coombs  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Robillard, Socorro A CIV (US)  
**Subject:** RE: FedEx and Discovery Update (UNCLASSIFIED)

Government Counsel

Can you bring those documents by this morning? I am going on leave this week because of a family situation.

Thanks.

MAJ Hurley

---

**From:** Hurley, Thomas F MAJ OSD OMC Defense [Thomas.Hurley@osd.mil]  
**Sent:** Monday, August 20, 2012 10:03 AM  
**To:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); David Coombs  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); von  
Ellen, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US);  
Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Robillard,  
Socorro A CIV (US)  
**Subject:** RE: FedEx and Discovery Update (UNCLASSIFIED)

Government Counsel

I've got to leave now, unfortunately. I will take receipt of the discovery sometime next week.

Thanks.

MAJ Hurley

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Monday, August 20, 2012 10:05 AM  
**To:** Hurley, Thomas F MAJ OSD OMC Defense; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); David Coombs  
**Cc:** Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Robillard, Socorro A CIV (US)  
**Subject:** RE: FedEx and Discovery Update (UNCLASSIFIED)

MAJ Hurley,

I apologize for not getting to your previous email before now. We have been out of the office this morning. Please let us know when you return.

v/r  
MAJ Fein

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Monday, August 20, 2012 4:46 PM  
**To:** 'David Coombs'  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Eiten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Updated Witness List

David,

According to the case calendar, the only filing due on 14 Aug 12 was the Government Article 13 witness list. When I previously stated that we would provide updated information for any of the Government's witnesses, I was referring to the Article 13 witnesses in our filing.

The defense witness list and the government supplemental witness list are due on 15 Oct 12, so we are planning on filing an updated list at that time, to include any known changes in contact information. Please let us know if you find specific contact information on the main witness list that is no longer valid, so we may assist in obtaining the updated information.

v/r  
Ashden

---

**From:** Clark, Derek D SGT MIL USA MDW [derek.d.clark@us.army.mil]  
**Sent:** Tuesday, August 21, 2012 9:42 AM  
**To:** Robillard, Socorro A CIV (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Ford, Arthur D Jr CW2 USARMY (US); David Coombs  
**Subject:** Re: Acknowledgement Receipt

Corrie,

Thank you for the acknowledgement. I apologize for the delayed response. Org Day on Friday and out yesterday.

We are going to try to send another Production. Will you be available to receive it tomorrow?

Thank you again.

V/R  
SGT Clark

DEREK D. CLARK  
SGT, USA  
Paralegal NCO  
JFHQ-NCR, MDW

202-685-1975

---

**From:** NWC, Robillard, Socorro A., CIV, NAVWARCOL [socorro.robillard@usnwc.edu]  
**Sent:** Tuesday, August 21, 2012 10:34 AM  
**To:** Clark, Derek D SGT USARMY USAMDW (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Ford, Arthur D Jr CW2 USARMY (US); David Coombs  
**Subject:** Re: Acknowledgement Receipt

SGT Clark,

I will be here tomorrow to receive the materials.

V/r Corrie

Ms. Socorro Robillard, SFPC  
Information Security Specialist  
Classified Material Control Officer

NATO Sub-registry Control Officer

SIPR address: [cmco@nwc.navy.smil.mil](mailto:cmco@nwc.navy.smil.mil) <<mailto:cmco@nwc.navy.smil.mil>>

Naval War College

DSN: 841 3381

Comm: (401) 841-3381

E-mail: [socorro.robillard@usnwc.edu](mailto:socorro.robillard@usnwc.edu) <<mailto:socorro.robillard@usnwc.edu>>

"THE HUMAN THREAT TO NATIONAL SECURITY:

Did Not Know the Rules - Did Not Understand the Rules - Did Not Follow the Rules"

FOR OFFICIAL USE ONLY - PRIVACY SENSITIVE This electronic transmission

>may contain confidential information intended only for the person(s)  
>named above. Any misuse or unauthorized disclosure may result in both  
>civil and criminal penalties. If you receive this transmission in  
>error, please notify the sender at the telephone number or e-mail address above.

On Tue, Aug 21, 2012 at 9:41 AM, Clark, Derek D SGT MIL USA MDW <[derek.d.clark@us.army.mil](mailto:derek.d.clark@us.army.mil)> wrote:



---

**From:** Clark, Derek D SGT MIL USA MDW [derek.d.clark@us.army.mil]  
**Sent:** Tuesday, August 21, 2012 10:39 AM  
**To:** Robillard, Socorro A CIV (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Ford, Arthur D Jr CW2 USARMY (US); David Coombs  
**Subject:** Re: Acknowledgement Receipt

Corrie,

The Tracking Number is: 798786969846

Thank you.

V/R  
SGT Clark

DEREK D. CLARK  
SGT, USA  
Paralegal NCO  
JFHQ-NCR, MDW

202-685-1975

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 21, 2012 12:57 PM  
**To:** David Coombs  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Jencks  
**Attachments:** 120803-Government Notification to Defense of Jencks.pdf

David,

Good afternoon. After the explanation below, dated 13 August 2012, the defense did not file any motion for clarification or highlighting any issues with the government's planned procedures for obtaining Jencks material (as attached) on 17 August 2012. Is the defense not objecting to the government's proposed procedures? Please let us know ASAP, so we can notify the Court, properly respond to the defense motion to compel discovery 3, and start implementing our Jencks plan.

Thank you.

v/r  
Ashden

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 21, 2012 12:57 PM  
**To:** 'David Coombs'  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Jencks  
**Attachments:** 120803-Government Notification to Defense of Jencks.pdf

David,

Good afternoon. After the explanation below, dated 13 August 2012, the defense did not file any motion for clarification or highlighting any issues with the government's planned procedures for obtaining Jencks material (as attached) on 17 August 2012. Is the defense not objecting to the government's proposed procedures? Please let us know ASAP, so we can notify the Court, properly respond to the defense motion to compel discovery 3, and start implementing our Jencks plan.

Thank you.

v/r  
Ashden

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 21, 2012 8:32 PM  
**To:** David Coombs  
**Cc:** 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);  
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT  
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT  
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Discovery

David,

This afternoon, we sent (Tracking #: 7987 8696 9846) to the NWC which contained the additional DIA approved material (BATES #: 00508941-00509515). Once MAJ Hurley is available, we will deliver the other copy to his office.

v/r  
Ashden

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 21, 2012 7:36 PM  
**To:** David Coombs; 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US)  
**Cc:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Classified Information Access

David, MAJ Hurley and CPT Tooman,

Although we never received a defense request for SIPRNET access or onsite storage of classified information above "secret", the government considers the defense's motion to the Court a request and are working to determine the authorities and capabilities. In order to present the request to the appropriate authorities, we need to understand what type of access the defense is requesting, both with SIPRNET and storage locations. Additionally, can you please describe how the defense is currently using the three standalone computers, printer, forensic cube, etc. and why the current capability is not adequate moving forward. The defense motion does not address these questions.

We are trying to process this request in an expeditious manner, but these questions are already being asked of us and we need to answer them so the proper authorities can understand the issues and make their decisions on access to and storage of classified information.

Thank you!

v/r  
Ashden

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Tuesday, August 21, 2012 7:36 PM  
**To:** 'David Coombs'; 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US)  
**Cc:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Classified Information Access

David, MAJ Hurley and CPT Tooman,

Although we never received a defense request for SIPRNET access or onsite storage of classified information above "secret", the government considers the defense's motion to the Court a request and are working to determine the authorities and capabilities. In order to present the request to the appropriate authorities, we need to understand what type of access the defense is requesting, both with SIPRNET and storage locations. Additionally, can you please describe how the defense is currently using the three standalone computers, printer, forensic cube, etc. and why the current capability is not adequate moving forward. The defense motion does not address these questions.

We are trying to process this request in an expeditious manner, but these questions are already being asked of us and we need to answer them so the proper authorities can understand the issues and make their decisions on access to and storage of classified information.

Thank you!

v/r  
Ashden

---

**From:** NWC, Robillard, Socorro A., CIV, NAVWARCOL [socorro.robillard@usnwc.edu]  
**Sent:** Wednesday, August 22, 2012 7:08 AM  
**To:** Clark, Derek D SGT USARMY USAMDW (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Ford, Arthur D Jr CW2 USARMY (US); David Coombs  
**Subject:** Won't be in....

SGT Clark,

We just got done with 2 major events here taking care of Flag Secretary/Aides/ Officers, and I really need to take off once in a while plus my over a hundred of "USE or LOSE" is accumulating.

I am very tired this month especially this week working as early as 0500 and not leaving, sometimes, at 2000 hours.

I won't be in August 24 & August 27, 2012 to re-wind and clear my head.

I will let you know ahead of time when I'm off and will continue to support the Trial.

FYI - I'm able to check my work e-mail at home and if there's something to be dealt at once, my assistant can easily contact me.

I'm here today and Thursday, will control the materials arriving , and will check it out to the Defense Counsel.

V/R Corrie  
Ms. Socorro Robillard, SFPC  
Information Security Specialist  
Classified Material Control Officer

NATO Sub-registry Control Officer

SIPR address: [cmco@nwc.navy.smil.mil](mailto:cmco@nwc.navy.smil.mil) <<mailto:cmco@nwc.navy.smil.mil>>

Naval War College

DSN: 841 3381

Comm: (401) 841-3381

E-mail: [socorro.robillard@usnwc.edu](mailto:socorro.robillard@usnwc.edu) <<mailto:socorro.robillard@usnwc.edu>>

"THE HUMAN THREAT TO NATIONAL SECURITY:

Did Not Know the Rules - Did Not Understand the Rules - Did Not Follow the Rules"

FOR OFFICIAL USE ONLY - PRIVACY SENSITIVE This electronic transmission

>may contain confidential information intended only for the person(s)  
>named above. Any misuse or unauthorized disclosure may result in both  
>civil and criminal penalties. If you receive this transmission in  
>error, please notify the sender at the telephone number or e-mail address above.



---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Wednesday, August 22, 2012 7:14 AM  
**To:** 'NWC, Robillard, Socorro A., CIV, NAVWARCOL'; Clark, Derek D SGT USARMY USAMDW (US)  
**Cc:** Ford, Arthur D Jr CW2 USARMY (US); David Coombs  
**Subject:** RE: Won't be in.....

Corrie,

Thank you very much for your continued support and enjoy your well-deserved long weekend!

v/r  
Major Fein

---

**From:** Clark, Derek D SGT MIL USA MDW [derek.d.clark@us.army.mil]  
**Sent:** Wednesday, August 22, 2012 8:15 AM  
**To:** Robillard, Socorro A CIV (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Ford, Arthur D Jr CW2 USARMY (US); David Coombs  
**Subject:** Re: Won't be in.....

Corrie,

Thank you for the heads-up and the time, assistance, and support you have provided. Enjoy your time off.

V/R  
SGT Clark

DEREK D. CLARK  
SGT, USA  
Paralegal NCO  
JFHQ-NCR, MDW

202-685-1975

---

**From:** NWC, Robillard, Socorro A., CIV, NAVWARCOL [socorro.robillard@usnwc.edu]  
**Sent:** Wednesday, August 22, 2012 9:59 AM  
**To:** David Coombs  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Gagne, Joyce, CIV, NAVWARCOL NWC; Hull, James A III CIV (US)  
**Subject:** Key for Defense Working Area

David,

There was a bit of confusion about the key for your Working Area yesterday. The Acting Director of Security (Ms. Joyce Gagne), and the Anti-Terrorist Officer/Physical Security Specialist (Mr. James Hull) tried to deal with the issue. They tried to contact me but I couldn't be pulled out from where I was yesterday because I was assisting with one of NWC Major Events. My apology that I wasn't able to help.

The only ones who have the keys for the room is the Main Quarterdeck (in case of emergency); you; and me. However, to provide you with further assistance in case I'm not around, Ms. Gagne & Mr. Hull requested keys made for them.

So all in all, there are 5 keys available in case you need assistance and the keys are under the Security Personnel ONLY.

FYI - During the weekend, we have limited personnel in the Quarterdeck, and Ms. Gagne, Mr. Hull, and I are not in unless there's event going on in the college, and may not be available for assistance.

V/r Corrie

Ms. Socorro Robillard, SFPC  
Information Security Specialist  
Classified Material Control Officer

NATO Sub-registry Control Officer

SIPR address: [cmco@nwc.navy.smil.mil](mailto:cmco@nwc.navy.smil.mil) <<mailto:cmco@nwc.navy.smil.mil>>

Naval War College

DSN: 841 3381

Comm: (401) 841-3381

E-mail: [socorro.robillard@usnwc.edu](mailto:socorro.robillard@usnwc.edu) <<mailto:socorro.robillard@usnwc.edu>>

"THE HUMAN THREAT TO NATIONAL SECURITY:

Did Not Know the Rules - Did Not Understand the Rules - Did Not Follow the Rules"

FOR OFFICIAL USE ONLY - PRIVACY SENSITIVE This electronic transmission  
>may contain confidential information intended only for the person(s)  
>named above. Any misuse or unauthorized disclosure may result in both  
>civil and criminal penalties. If you receive this transmission in  
>error, please notify the sender at the telephone number or e-mail address above.

---

**From:** NWC, Robillard, Socorro A., CIV, NAVWARCOL [socorro.robillard@usnwc.edu]  
**Sent:** Wednesday, August 22, 2012 12:08 PM  
**To:** David Coombs  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Gagne, Joyce, CIV, NAVWARCOL NWC; Hull, James A III CIV (US)  
**Subject:** Re: Key for Defense Working Area

David,

I stand corrected.

Four (4) keys under the Security Department, and one (1) is checked out under your name issued for SP-219.

V/r Corrie  
NWC CMCO

---

**From:** NWC, Robillard, Socorro A., CIV, NAVWARCOL [socorro.robillard@usnwc.edu]  
**Sent:** Wednesday, August 22, 2012 12:38 PM  
**To:** Clark, Derek D SGT USARMY USAMDW (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Ford, Arthur D Jr CW2 USARMY (US); David Coombs  
**Subject:** Acknowledgement Receipt 8/22/2012

SGT Clark

This message serves as an Acknowledgement Receipt for the Fed Ex Tracking # 7987 8696 9846 that was received today, August 22, 2012. The package contains 1 (one) CD.

V/R Corrie

Ms. Socorro Robillard, SFPC  
Information Security Specialist  
Classified Material Control Officer

NATO Sub-registry Control Officer

SIPR address: [cmco@nwc.navy.smil.mil](mailto:cmco@nwc.navy.smil.mil) <<mailto:cmco@nwc.navy.smil.mil>>

Naval War College

DSN: 841 3381

Comm: (401) 841-3381 <<tel:%28401%29%20841-3381>>

E-mail: [socorro.robillard@usnwc.edu](mailto:socorro.robillard@usnwc.edu) <<mailto:socorro.robillard@usnwc.edu>>

"THE HUMAN THREAT TO NATIONAL SECURITY:

Did Not Know the Rules - Did Not Understand the Rules - Did Not Follow the Rules"

FOR OFFICIAL USE ONLY - PRIVACY SENSITIVE This electronic transmission

>may contain confidential information intended only for the person(s)

>named above. Any misuse or unauthorized disclosure may result in both

>civil and criminal penalties. If you receive this transmission in

>error, please notify the sender at the telephone number or e-mail address above.

---

**From:** Clark, Derek D SGT MIL USA MDW [derek.d.clark@us.army.mil]  
**Sent:** Wednesday, August 22, 2012 1:51 PM  
**To:** Robillard, Socorro A CIV (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Ford, Arthur D Jr CW2 USARMY (US); David Coombs  
**Subject:** Re: Acknowledgement Receipt 8/22/2012

Corrie,

Acknowledgement received. Thank you.

DEREK D. CLARK  
SGT, USA  
Paralegal NCO  
JFHQ-NCR, MDW

202-685-1975

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Wednesday, August 22, 2012 6:52 PM  
**To:** David Coombs; 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US)  
**Cc:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Outstanding Emails  
**Attachments:** Jencks; Classified Information Access  
**Importance:** High

David, MAJ Hurley, and CPT Tooman,

The United States sent the defense two separate emails yesterday which are attached. We have not heard back from any defense counsel as of tonight.

1. Could you please respond to the defense's position on Jencks, so that we may notify the Court, and properly respond to the defense motion to compel discovery 3, and start implementing our Jencks plan before the end of the week?
2. Could you please respond to the questions about access to classified information so that we may coordinate with HQDA and other organizations about the requirements, and determine the capabilities and proper authorities? We are trying to process this request as fast as possible so we can provide the defense and Court an update next week.

Thank you!

v/r  
Ashden



---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Wednesday, August 22, 2012 7:03 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US); 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US)  
**Cc:** Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Outstanding Emails

Ashden,

1. Please refer to the Court's email on 26 July 2012;
2. This issue is currently under advisement with the Court.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Hocter, William J CAPT MIL DOD CAPMED FBCH [William.J.Hocter.mil@health.mil]  
**Sent:** Thursday, August 23, 2012 11:55 AM  
**To:** von Elten, Alexander S (Alec) CPT USARMY (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); David Coombs  
**Subject:** RE: US v. Manning (UNCLASSIFIED)

I thought the defense was calling me.

R/

CAPT Hocter

---

**From:** David Coombs [coombs@armycourtartialdefense.com]  
**Sent:** Thursday, August 23, 2012 12:04 PM  
**To:** 'Hocter, William J CAPT MIL DOD CAPMED FBCH'; von Elten, Alexander S (Alec) CPT USARMY (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US)  
**Subject:** RE: US v. Manning (UNCLASSIFIED)

Capt. Hocter,

You are on the approved Defense witness list for the Article 13 motion. I believe the trial counsel either mistakenly emailed you or is simply wanting to arrange for a time to interview you again.

Best,  
David

David E. Coombs, Esq.  
Law Office of David E. Coombs  
11 South Angell Street, #317  
Providence, RI 02906  
Toll Free: 1-800-588-4156  
Local: (508) 689-4616  
Fax: (508) 689-9282  
[coombs@armycourtartialdefense.com](mailto:coombs@armycourtartialdefense.com)  
[www.armycourtartialdefense.com](http://www.armycourtartialdefense.com)

\*\*\*Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.\*\*\*

---

**From:** Hocter, William J CAPT MIL DOD CAPMED FBCH [William.J.Hocter.mil@health.mil]  
**Sent:** Thursday, August 23, 2012 12:40 PM  
**To:** David Coombs; von Elten, Alexander S (Alec) CPT USARMY (US)  
**Cc:** Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US)  
**Subject:** RE: US v. Manning (UNCLASSIFIED)

I can be available tomorrow at 1600 at 571-231-1350 to talk to trial counsel.

R/

CAPT Hocter

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Thursday, August 23, 2012 3:28 PM  
**To:** David Coombs  
**Cc:** Dodson, Erik H; 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** Secure Facility Coordination

David,

1. Does the defense intend to review SCI material at Fort Meade next week, and if so, which day(s)? We will coordinate having the deliberation room secured, but need to know which day(s) and whether we need to bring the material up to Fort Meade. -
2. Does the defense intend to visit the NSA to inspect the one document next week. As per Joe's email, dated 3 August 2012, the defense must coordinate with Mr. Erik Dodson, Office of the General Counsel at (301) 688-6054 or [ehdodso@nsa.gov](mailto:ehdodso@nsa.gov) to schedule the inspection and get access to the campus and building. Mr. Dodson needs to know which day and time ASAP to coordinate for next week. Mr. Dodson is CCed on this email to facilitate this coordination.

Thank you!

v/r  
Ashden

---

**From:** Tooman, Joshua J CPT USARMY (US)  
**Sent:** Thursday, August 23, 2012 4:34 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US); David Coombs  
**Cc:** Dodson, Erik H; Hurley, Thomas F MAJ OSD OMC Defense; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Secure Facility Coordination (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Sir

We will coordinate with Mr. Dodson to review the NSA document.

Regarding SCI material; how much new material do you anticipate there will be for us to review next week?

Thanks,  
Josh

---

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Thursday, August 23, 2012 4:36 PM  
**To:** Tooman, Joshua J CPT USARMY (US); David Coombs  
**Cc:** Dodson, Erik H; 'Hurley, Thomas F MAJ OSD OMC Defense'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)  
**Subject:** RE: Secure Facility Coordination (UNCLASSIFIED)

Josh,

I estimate a few reams of paper; however much of it will be very quick. Also, we will have previous material available as well.

v/r  
MAJ Fein

## INSTRUCTIONS FOR PREPARING AND ARRANGING RECORD OF TRIAL

**USE OF FORM** - Use this form and MCM, 1984, Appendix 14, will be used by the trial counsel and the reporter as a guide to the preparation of the record of trial in general and special court-martial cases in which a verbatim record is prepared. Air Force uses this form and departmental instructions as a guide to the preparation of the record of trial in general and special court-martial cases in which a summarized record is authorized.

Army and Navy use DD Form 491 for records of trial in general and special court-martial cases in which a summarized record is authorized. Inapplicable words of the printed text will be deleted.

**COPIES** - See MCM, 1984, RCM 1103(g). The convening authority may direct the preparation of additional copies.

**ARRANGEMENT** - When forwarded to the appropriate Judge Advocate General or for judge advocate review pursuant to Article 64(a), the record will be arranged and bound with allied papers in the sequence indicated below. Trial counsel is responsible for arranging the record as indicated, except that items 6, 7, and 15e will be inserted by the convening or reviewing authority, as appropriate, and items 10 and 14 will be inserted by either trial counsel or the convening or reviewing authority, whichever has custody of them.

1. Front cover and inside front cover (chronology sheet) of DD Form 490.
2. Judge advocate's review pursuant to Article 64(a), if any.
3. Request of accused for appellate defense counsel, or waiver/withdrawal of appellate rights, if applicable.
4. Briefs of counsel submitted after trial, if any (Article 38(c)).
5. DD Form 494, "Court-Martial Data Sheet."
6. Court-martial orders promulgating the result of trial as to each accused, in 10 copies when the record is verbatim and in 4 copies when it is summarized.
7. When required, signed recommendation of staff judge advocate or legal officer, in duplicate, together with all clemency papers, including clemency recommendations by court members.

8. Matters submitted by the accused pursuant to Article 60 (MCM, 1984, RCM 1105).

9. DD Form 458, "Charge Sheet" (unless included at the point of arraignment in the record).

10. Congressional inquiries and replies, if any.

11. DD Form 457, "Investigating Officer's Report," pursuant to Article 32, if such investigation was conducted, followed by any other papers which accompanied the charges when referred for trial, unless included in the record of trial proper.

12. Advice of staff judge advocate or legal officer, when prepared pursuant to Article 34 or otherwise.

13. Requests by counsel and action of the convening authority taken thereon (e.g., requests concerning delay, witnesses and depositions).

14. Records of former trials.

15. Record of trial in the following order:

- a. Errata sheet, if any.
- b. Index sheet with reverse side containing receipt of accused or defense counsel for copy of record or certificate in lieu of receipt.
- c. Record of proceedings in court, including Article 39(a) sessions, if any.
- d. Authentication sheet, followed by certificate of correction, if any.
- e. Action of convening authority and, if appropriate, action of officer exercising general court-martial jurisdiction.
- f. Exhibits admitted in evidence.
- g. Exhibits not received in evidence. The page of the record of trial where each exhibit was offered and rejected will be noted on the front of each exhibit.
- h. Appellate exhibits, such as proposed instructions, written offers of proof or preliminary evidence (real or documentary), and briefs of counsel submitted at trial.